



भारत का राजपत्र

The Gazette of India

29.6.84

प्राचिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 20]

नई दिल्ली, शनिवार, मई 19, 1984/वैशाख 29, 1906

No. 20]

NEW DELHI, SATURDAY, MAY 19, 1984/VAISAKHA 29, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह बलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—एप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गये सांचिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय

(कार्यालय और प्रशासनिक सुधार विभाग)

आदेश

नई दिल्ली, 4 मई, 1984

का० आ० 1628.—केन्द्रीय मरकार, दिल्ली विशेष पुलिस स्पाइस प्रबिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रवरूप शक्तियों का प्रयोग करने हुए, पंजाब मरकार की महसूति से भारतीय दंड संहिता, 1860 (1860 का 45) की धारा 302/34 के अधीन दण्डनीय अपराधों के प्रौढ़ उक्त अपराधों के संबंध में या उनमें संबंधित प्रयत्नों, दुष्क्रियों और घटयों के तथा पुलिस थाना पायल, जिला लुधियाना की अधिकारिता में 13/14 प्रयास्त, 1983 के बीच यात्र में तर्बंधी दलीप सिंह पुल श्री हजारा सिंह, राज अन्नमोल सिंह पुल श्री गुरमंतर सिंह, निरमल सिंह पुल श्री अजमेंदर सिंह और गुरुजीत सिंह पुल श्री करतौल सिंह की हत्या की बाबत पुलिस थाना, पायल, जिला लुधियाना की भारत 5 से 8 की धारा 302/34 के प्रवीन प्रथम इतिला रिपोर्ट सं 162 तारीख 5 सितम्बर, 1983 की बाबत, वैसे ही संव्यवहार के प्रनुकाम में किए गए किसी भव्य प्रपराध के अव्येषण के लिए दिल्ली विशेष पुलिस स्पाइस के सदस्यों की शक्तियों और अधिकारिता को विस्तारण सम्पूर्ण पंजाब गत्य पर करती है।

[सं. 228/2/84-ए० दी० दी०-II]

एच० के० वर्मा, अवर सचिव

MINISTRY OF HOME AFFAIRS

(Department of Personnel & Administrative Reforms)

OREDR

New Delhi, the 4th May, 1984

S.O. 1628.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the Government of Punjab, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Punjab for the investigation of offences punishable under section 302/34 of the Indian Penal Code, 1860 (45 of 1860) and attempts, abetments and conspiracies in relation to or in-connection with the said offences and any other offences committed in the course of same transaction in regard to FIR No. 162 dated 5th September, 1983 under section 302/34 IPC of P. S. Payal, District Ludhiana in regard to murder of S/Shri Dalip Singh S/o. Hazara Singh, Raj Anmol Singh S/o. Gurmantar Singh, Nirmal Singh S/o. Ajmer Singh and Gurjot Singh S/o. Karnail Singh on the night between 13th/14th August, 1983 in the jurisdiction of Police Station Payal, District Ludhiana.

[No. 228/2/84-AVD.II]

H. K. VERMA, Under Secy.

(आधिकार्य विभाग)

(बैंकिंग प्रभाग)

मई विल्सनी, 30 अप्रैल, 1984

का० आ० 1630.—बैंककारी विनियमन प्रधिनियम, 1949 का 10 की धारा 53 वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त प्रधिनियम की सूतीय अनुमति में दिए गए प्राचार के साथ मलवन टिप्पणी (एफ०) के उपचर्थ में निम्नलिखित बैंकों पर, जहाँ तक कि 31 विसंवर्त, 1983 को उनके तुलन-पत्रों का संबंध है नागू नहीं होगे।

1. भारत श्रोदरसीज बैंक लि०,
2. पंजाब प्र० एस्ट्र लिंग बैंक,

[सं 15/5/84-खी० आ० III]

माध्यम बैंकिंग, अवर संचित

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th April, 1984

S.O. 1633.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India hereby declares that the provisions of Note (f) appended to the form 'A' in the Third Schedule of the said Act shall not apply to the following banks viz.—

1. Bharat Overseas Bank Limited,
2. Punjab and Sind Bank,

in respect of their balance sheet as on the 31st December, 1983.

[No. 15/5/84-B.O.III]
M. R. VAJDYA, Under Secy.

मई विल्सनी, 19 अप्रैल, 1984

का० आ० 1634.—बैंककारी विनियमन प्रधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठिन धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय रिजर्व बैंक की सिफारिश पर केन्द्रीय सरकार एतद्वारा यह घोषित करती है कि बैंककारी विनियमन (महकारी समितिया) नियम 1966 के नियम 10 के साथ पठिन उक्त प्रधिनियम की धारा 31 के प्रावधान श्रीअंगाराद पीपल्स को-ऑपरेटिव बैंक लि० पर 30 जून 1983 को समाप्त वर्ष के लिए बैंक के लेखा (परीक्षकों के रिपोर्ट सहित) उनके तुलनपत्र और लाभ-हानि लेखा के समाचार पत्र में प्रकाशित होंगे के संबंध में सामू नहीं होगे।

[सं० फा० 18-2/84-ग० सं०]

ग्रमर स्थित, अवर संचित

New Delhi, the 19th April, 1984

S.O. 1634.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the said Act read with Rule 10 of the Banking Regulation (Co-operative Societies Rules, 1966) shall not apply to the Aurangabad Peoples Co-operative Bank Ltd. so far as they relate to the publication

year ended the 30 June, 1983 together with the auditor's report in the newspaper.

[No. F. 18-2/84-AC]
AMAR SINGH, Under Secy.

केन्द्रीय उत्पाद शुल्क समाहनरत्तिय

कानपुर, 17 अप्रैल, 1984

प्रधिसूचना सं० 1/कानपुर/1984

का० आ० 1635.—कानपुर समाहनरत्तिय की प्रधिसूचना सं० 2/81
दिनांक 20-3-81 केन्द्रीय उत्पादन शुल्क नियमावली 9-ख (3) और 14 की शक्तियों के प्रयोगन के सम्बन्ध में निम्न प्रतिस्पापित किया जायेगा।
केन्द्रीय उत्पाद शुल्क नियम : प्रत्यायोजित शक्तियों का स्वरूप

9-ख (3)

सामान्य बंध-पत्र का निष्पादन करते और
यथापेक्षित ऐसी शर्तों को पूरा करने की
अनुमति और नये बंध-पत्र अथवा प्रतिरिक्त
जमानत की मांग करने की अनुमति।

सामान्य बंध-पत्र का निष्पादन करने और
यथापेक्षित ऐसी शर्तों को पूरा करने की
अनुमति और नये बंध-पत्र अथवा प्रतिरिक्त
जमानत की मांग करने की अनुमति।

[पत्रांक वी० (8)आल-एक्सा/शक IV 132/84/15258]
जी० एस० मैगी, समाहर्ता

CENTRAL EXCISE COLLECTORATE

Kanpur, the 17th April, 1984

Notification No. 1 Kanpur 1984

* S.O. 1635.—In the Kanpur Collectorate Notification No. 2/81 dated 20-3-1981, for the existing entries relating to nature of powers delegated against Central Excise, Rules 9B(3) and 14 the following shall be substituted, namely—

Central Excise Rules Nature of power delegated

9B(3)

Permission to enter into a general bond and fulfilment of such conditions as may be required and to demand a fresh bond or additional security.

14

Permission to enter into a general bond and fulfilment of such conditions as may be required and to demand a fresh bond or additional security.

[C.No. V(8)All - Ex/T/IV/132/84/15278]
G.S. MAINGI, Collector

(राजस्व विभाग)

ग्रामेश

मई विल्सनी, 5 मई, 1984

स्टाम्प

का० आ० 1636.—भारतीय स्टाम्प प्रधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उत्तर प्रिंटिंग लिमिटेड कलकत्ता को केवल छः लाख रुपये के उग सोनित स्टाम्प शुल्क की अदायगी करने की अनुमति देती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले छः करोड़ रुपये के अंकित मूल्य के अंगपत्रों के रूप में बंधपत्रों पर प्रभार्य है।

[सं 32/84-स्टाम्प-फा० सं० 33/28/84]

(Department of Revenue)

ORDERS

New Delhi, the 5th May, 1984

STAMPS

S.O. 1636.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Dunlop India Ltd., Calcutta to pay consolidated stamp duty of Rupees six lakhs only, chargeable on account of the stamp duty on bonds in the form of debentures of the face value of rupees Six Crores to be issued by the said Company.

का० आ० 1637.—भारतीय स्टाम्प प्रधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के बाएँ (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन्डवारा उग गुल को माफ करती है जो केरल बोरोजगार सहायता प्रोग्राम योजना 1982 द्वारा बोरोजगार व्यक्तियों को दी जाने वाले मानिक भत्तों की प्राप्तियों पर उक्त प्रधिनियम के अन्तर्गत प्रभाव्य है।

[सं० 31/84 स्टाम्प—फा० सं० 33/24/84-डि०क०]
भगवान दास, अमर सचिव

S.O. 1637.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the receipts for the monthly allowance paid to unemployed persons under the Kerala Unemployment Assistance and Self Employment Scheme, 1982, are chargeable under the said Act.

[No. 31/84-Stamp—F. No. 33/24/84-ST]
BHAGWAN DAS, Under Secy.

केन्द्रीय प्रत्यक्ष कर घोष्ण

नई दिल्ली, 1 मार्च, 1984

आयकर

का० आ० 1638 :—यतः आयकर प्रधिनियम 1961 (1961 का ११ 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर संबंध ने आयकर आयुक्त (जांच), कलकत्ता को आयकर आयुक्त, परिचम बंगाल-I से परिचम बंगाल XIV कलकत्ता के समवर्ती शेक्तों पर शोकाधिकार प्रदत्त किया है। यतः केन्द्रीय प्रत्यक्ष कर घोष्ण धारा 121 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एन्डवारा निरेश देता है कि इसके साथ मंलवन अनुसूची के स्तम्भ 1 में विनिविष्ट आयकर आयुक्त, अमुक्ती के स्तम्भ 2 में विनिविष्ट है, उक्त अनुसूची के स्तम्भ 3 में यथा उल्लिखित मामलों प्रथमा मामलों की श्रेणियों के संबंध में अकेन ही कार्यों का निर्वहण करेगा तथा आयकर आयुक्त, परिचम बंगाल I से XIV कलकत्ता उक्त अनुसूची के स्तम्भ 3 में यथा उल्लिखित मामलों प्रथमा मामलों की श्रेणियों के संबंध में शोकाधिकार का प्रयोग नहीं करेगे।

अनुसूची

आयकर आयुक्त प्रधान कायलिय

शोकाधिकार

1

2

3

जांच-

कलकत्ता

क. आयकर आयुक्त, परिचम बंगाल-I से XIV के शोकाधिकार में

1

2

3

आने वाले भेक्तों के संबंध में सर्वेक्षण को सामान्य प्रतिक्रिया।

ब. आयकर आयुक्त, परिचम बंगाल-I से XIV के शोकाधिकार में आने वाले मामलों को निपटाने वाले सर्वेक्षण बाई/परिमाण जिनमें कंपनी परिवेद्दों, व्यापक परिमंडलों, वेस्ट परिमंडलों और व्यापसी परिमंडलों के शोकाधिकार के अन्तर्गत आने वाले मामलों को छोड़कर, कोई कर-निधारण नहीं किया गया है तथा जहाँ या सां आप की विवरणी पहली बार दखिल की गई है या आयकर प्रधिनियम, 1961 की धारा 139 (2) 148 के अन्तर्गत नोटिस जारी किया गया है या जारी किया जाता है।

परन्तु आयकर आयुक्त (जांच-1), कलकत्ता का शोकाधिकार सर्वेक्षण परिमंडलों/बाई के उक्त मामलों में 31-3-84 को या उसके बाद समाप्त हो जायेगा जहाँ 31-3-84 तक कम से कम एक कर-निधारण पूरा हो गया है। ऐसे मामलों के संबंध में शोकाधिकार, यथावस्था, ऐसे मामलों के संबंध में शोकाधिकारिता आयकर आयुक्त परिचम बंगाल-I से XIV में निहित रहेगी।

- ग. 1. सर्वेक्षण परिमंडल-I, कलकत्ता
2. विशेष परिमंडल-VI कलकत्ता
3. विशेष परिमंडल-VII कलकत्ता
4. केन्द्रीय सूचना, शारका, कलकत्ता

जांच-II

कलकत्ता

विशेष परिमंडल IX, कलकत्ता

यह अधिसूचना दिनांक 1-3-1984 से प्रभावी होगी।

[सं० 5675(फा० सं० 187/41/81-आ० क० (निः-I)]
आर० क० तिवारी, अमर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 1st March, 1984

(Income-Tax)

S.O. 1638 :—Whereas in exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961) the Central Board of Direct Taxes, have conferred on Commissioner of Income-tax (Investigation), Calcutta, jurisdiction, concurrent with those of the Commissioners of Income-tax, West Bengal-I to West Bengal-XIV Calcutta,

the Central Board of Direct Taxes in exercise of the powers conferred by sub-section (2) of Section 121 hereby directs that the Commissioner of Income-Tax specified in column (1) of the Schedule hereto annexed with headquarters specified in column (2) thereto shall alone perform functions in respect of such cases or classes of cases as are referred to in column (3) of the said schedule and the Commissioners of Income-tax, West Bengal-I to XIV, Calcutta shall not exercise functions over the cases or classes of cases referred to in column (3) of the said schedule.

SCHEDULE

Commissioner of Income tax	Headquarters	Jurisdiction
1	2	3
Investigation -I	Calcutta	<p>A. General power of survey in respect of areas comprised in the jurisdiction of Commissioners of Income-tax, West Bengal-I to XIV.</p> <p>B. Survey Wards/Circles dealing with cases falling in the jurisdiction of Commissioners of Income-tax, West Bengal-I to XIV in which no assessment has been made and where either a return of income has been filed for the first time or a notice under section 139(2)/148 of the Income-tax Act, 1961 is issued or is to be issued excluding those cases coming under the jurisdiction of Companies Circles, Trust Circles, Salary Circles and Refund Circles.</p> <p>Provided that the Commissioner of Income-tax (Investigation-I), Calcutta, would cease to have jurisdiction on or after 31-3-1984 over the cases of Survey Circles/Wards where atleast one assessment has been completed upto 31-3-1984. In respect of such cases the jurisdiction would stand vested with the Commissioners of Income-tax, West Bengal-I to XIV as the case may be, having territorial jurisdiction in respect of such cases.</p> <p>C. 1. Survey Circle-I, Calcutta. 2. Special Circle-VI, Calcutta. 3. Special Circle-VII, Calcutta. 4. Central Information Branch, Calcutta.</p>
Investigation-II	Calcutta.	Special Circle-IX, Calcutta.

This notification shall take effect from 1-3-1984.

[No. 5675 (F.No. 187/41/81-IT (AI)]

R.K. TEWARI, Under Secy.

नई विली, 3 मार्च, 1982

(आयकर)

का० आ० 1639.—केन्द्रीय प्रश्नकार बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धौरा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, समय-समय पर यथासंबोधित अपनी प्रधि-सूचना सं० 679 (का० सं० 187/2/7-4-आई टी (ए आई) तारीख 2-7-74 से उपायकर अनुसूची में निम्नलिखित संशोधन करता है। कम सं० 23 से 23४ के मामने स्थान 1,2 और 3 के नीचे की विचारान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएँगी और कम सं० 23५ की निम्नलिखित रूप से जोड़ा जाएगा :—

आयकर आयुक्त	मुक्तालम	अधिकारिता
23 पश्चिम बंगाल	कलकत्ता	<p>1. कम्पनी जिला-1 कलकत्ता 2. विदेश अनुभाग, कलकत्ता</p>
23क. पश्चिम बंगाल-2	कलकत्ता	<p>1. कम्पनी जिला-3, कलकत्ता 2. सहकारी आवास नियम 3. विशेष सर्किल कलकत्ता</p>
23ख पश्चिमी बंगाल-3	कलकत्ता	<p>1. कम्पनी जिला-4 कलकत्ता 2. जिला-3 (1), कलकत्ता 3. विशेष सर्किल-2 (1), कलकत्ता</p>
23ग पश्चिमी बंगाल-4	कलकत्ता	<p>1. कम्पनी सर्किल-2, कलकत्ता 2. जिला-8, कलकत्ता 3. सिंतेमा सर्किल, कलकत्ता 4. विशेष सर्किल-3, कलकत्ता</p>
23घ पश्चिमी बंगाल-5	कलकत्ता	<p>1. पटसन सर्किल, कलकत्ता 2. कम्पनी जिला-5, कलकत्ता 3. सहकारिता सर्किल, कलकत्ता 4. विदेशी कम्पनी सर्किल-1, कलकत्ता 5. विदेशी कम्पनी सर्किल-2 कलकत्ता 6. विशेष अन्वेषण सर्किल-1, कलकत्ता</p>
23ङ पश्चिमी बंगाल-6	कलकत्ता	<p>1. जिला 2(1), कलकत्ता 2. जिला 3(3), कलकत्ता 3. जिला हावड़ा कलकत्ता 4. विशेष सर्वेक्षण सर्किल-4, कलकत्ता 5. विशेष सर्वेक्षण सर्किल-9, कलकत्ता</p>
23. ज पश्चिमी बंगाल-7	कलकत्ता	<p>1. केन्द्रीय बेतन सर्किल, कलकत्ता 2. जिला-3क, कलकत्ता 3. जिला-5क, कलकत्ता 4. रेल प्रक्रीय बेतन सर्किल, कलकत्ता 5. चार्टर्ड एकाउन्टेन्ट सर्किल, कलकत्ता 6. प्रतिदाय सर्किल, कलकत्ता 7. बीमा भ्रष्टकर्ता सर्किल, कलकत्ता 8. न्यास सर्किल, कलकत्ता</p>

1	2	3
23अ. पश्चिमी बंगाल-8	कलकत्ता	1. जिला-2(2), कलकत्ता 2. परियोजना संकाल, कलकत्ता 3. जिला-3(2), कलकत्ता
23ज. पश्चिमी बंगाल-9	कलकत्ता	1. जिला-5(1), कलकत्ता 2. जिला-5(2), कलकत्ता 3. विशेष अन्वेषण संकाल-3, कलकत्ता
23झ. पश्चिमी बंगाल-10	कलकत्ता	1. जिला-4(1), कलकत्ता 2. जिला-4(2), कलकत्ता 3. जिला-4(3), कलकत्ता
23अ. पश्चिमी बंगाल-11	कलकत्ता	1. जिला-1(1), कलकत्ता 2. जिला-1(2), कलकत्ता
23ट. पश्चिमी बंगाल-12	कलकत्ता	1. जिला-6, कलकत्ता 2. जिला-7, कलकत्ता
23ठ. पश्चिमी बंगाल-13	कलकत्ता	1. मुशियाबाब 2. नादिया 3. कूच खितार 4. धार्जिलिङ 5. जलपाइगुड़ी 6. तिलिगुड़ी 7. उबल्पुँ डी० मालदाह 8. विशेष सर्वेक्षण संकाल-8, कलकत्ता
23इ. पश्चिमी बंगाल-14	कलकत्ता	1. आसनसोल 2. बाकुरा 3. पुरुलिया 4. बीरभूम 5. बर्द्दान 6. हुगली 7. 24 परगना 8. मिरनापुर 9. बुरापुर
23इ. प्रायकर भायुक्त (अध्येषण), पश्चिमी बंगाल	कलकत्ता	1. सर्वेक्षण संकाल-1, कलकत्ता 2. विशेष संकाल-6 कलकत्ता 3. विशेष संकाल-7 कलकत्ता

यह अधिसूचना 7 मार्च, 1983 से प्रभावी होगी।

[सं० 4501/फा० सं० 187 / 41 / 81 आई.टी० (ए० आई०)]
श्री० बी० श्रीनिवासन, सचिव

New Delhi, the 3rd March, 1982

(Income-Tax)

S.O. 1639.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment, to the Schedule appended to its Notification No. 679(F.No. 187/2/74-IT(AI) dated 2-7-74 as amended from time to time. The existing entries under Column 1,2 and 3 against Sl.No. 23 to 23-M shall be substituted by the following entries :—

Sl.No. 2 -N shall be added as follows :—		
Commissioner of Income-Tax	Head-Quarters	Jurisdiction
1	2	3
2. West Bengal-I	Calcutta	1. Companies District-I, Calcutta,
23A. West Bengal-II	Calcutta	1. Companies District-II, Calcutta, 2. Co-operative Housing Circle, 3. Special Circle-I, Calcutta.
23B. West Bengal-III	Calcutta	1. Companies District-IV, Calcutta, 2. District-III(1), Calcutta, 3. Special Circle-II, Calcutta.
23C. West Bengal-IV	Calcutta	1. Companies District-II, Calcutta. 2. District-VIII, Calcutta. 3. Cinema Circle, Calcutta. 4. Special Circle-III, Calcutta.
23D. West Bengal-V	Calcutta	1. Jute Circle, Calcutta, 2. Comp. Dist. V, Calcutta, 3. Co-operative Circle, Calcutta, 4. Foreign Companies Circle-I, Calcutta. 5. Foreign Companies Circle-II, Calcutta. 6. Spl. Inv. Circle-I, Calcutta.
23E. West Bengal-IV,	Calcutta	1. Distt. II(1), Calcutta. 2. Distt. III(3), Calcutta. 3. Distt. Howrah, Calcutta. 4. Spl. Survey Circle-IV, Calcutta. 5. Spl. Survey Circle-IX, Calcutta.
23F. West Bengal-VII	Calcutta	1. Central Salaries Cir., Calcutta. 2. Distt. III-A, Calcutta 3. District IV-A, Calcutta. 4. Railway Misc. Salaries Cir., Calcutta. 5. Chartered Accountants Cir., Calcutta. 6. Refund Circle, Calcutta. 7. Insurance Agents Cir., Calcutta. 8. Trust Circle, Calcutta

1	2	3	4
23G. West Bengal-VIII	Calcutta	1. Distt. II(2) Calcutta. 2. Project Cir., Calcutta. 3. Distt. III(2) Calcutta.	
23-H West Bengal IX	Calcutta	1. Dist. V (1), Calcutta 2. Dist V(2), Calcutta. 3. Spl Inv Cir , III, Calcutta	
23-I West Bengal X	Calcutta	1. Dist V(1), Calcutta. 2. Dist V (2), Calcutta 3. Dist IV(3), Calcutta	
23-J West Bengal XI	Calcutta	1. District I (1),Calcutta 2. District I(2), Calcutta	
23-K West Bengal XII	Calcutta	1. District VI, Calcutta. 2. District VII, Calcutta	
23-L West Bengal XIII	Calcutta	1. Murshidabad 2. Nadia 3. Cooch Bihar 4. Darjeeling 5. Jalpaiguri. 6. Siliguri, 7. W.D. Maldah 8. Spl. Survey Circle-VIII Calcutta.	
23-M West Bengal XIV	Calcutta	1. Asansol. 2. Bankura. 3. Purulia. 4. Birbham. 5. Burdwan. 6. Hoogly. 7. 24 Parganas 8. Midnapur. 9. Durgapur.	
23-N C.I.T. (Inv.) West Bengal.	Calcutta	1. Survey Circle-I, Calcutta. 2. Spl. Circle-VI, Calcutta. 3. Spl. Circle-VII, Calcutta.	

This notification shall take effect from 7th March, 1982.

[No. 450]/F.No.187/41/81-IT(AI)
V.B. SRINIVASAN, Secy,

(आधिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 5 मई, 1984

का० आ० 1640.—राष्ट्रीयकृत बैंक (प्रबंध और प्रक्रीण उपबंध) स्कीम, 1970 के खंड 3 के उप खंड (ग) के अनुसरण में रिंजिं बैंक के परामर्श से केन्द्रीय सरकार एनदब्ल्यूआर श्री कें० एन० कालरा, महाप्रबंधक, सैन्ट्रल बैंक आफ इंडिया केन्द्रीय कार्यालय, नई त्रिलोक को 5 मई, 1984 से सैन्ट्रल बैंक आफ इंडिया के निदेशक बोर्ड में निदेशक के रूप में नियुक्त करती है।

[सं० 9/15 84 बौ० ओ० J]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 5th May, 1984

S.O 1640.—In pursuance of sub-clause (c) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints

Shri K. L. Kalra, Assistant General Manager, Central Bank of India, Regional Office, New Delhi as a Director on the Board of Central Bank of India with effect from May 5, 1984.

[No. F. 9/15/84-BO.I]

का० आ० 1641.—राष्ट्रीयकृत बैंक (प्रबंध और प्रक्रीण उपबंध) स्कीम, 1970 के खंड 3 के उप खंड (ग) अनुसरण में रिंजिं बैंक के परामर्श से केन्द्रीय सरकार एनदब्ल्यूआर श्री अशीष कुमार रमेश प्रबन्धक डॉ० आर० आर्ह० सैल, इलाहाबाद बैंक प्रधान कार्यालय, बलभूता, को 5 मई, 1984 से इलाहाबाद बैंक के निदेशक बोर्ड में निदेशक के रूप में नियुक्त करती है।

[सं० 9 / 17 / 84 बौ० ओ०-I]
च० आ० मार्चन्दानी निदेशक

S.O. 1641.—In pursuance of sub-clause (c) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Ashish Kumar Ghose, Manager, DRI Cell, Allahabad Bank, Head Office, Calcutta as a Director on the Board of Allahabad Bank with effect from May 5, 1984.

[No. F. 9/17/84-BO.I]

C. W. MIRCHANDANI, Director

नई दिल्ली, 5 मई, 1984

का० आ० 1642.—भारतीय स्टेट बैंक (अनुबंधी बैंक) अधिनियम 1959 (1959 का 38) की धारा 2 की उपधारा (2क) के साथ, पठित धारा 25 की उपधारा (1) के खंड (गक) के अनुसरण में केन्द्रीय सरकार एनदब्ल्यूआर स्टेट बैंक आफ पटियाला, मिल्लर गंज, लुधियाना के श्रेणी ड. के प्रधान अलांचो, श्री ए० एन० शर्मा को स्टेट बैंक आफ पटियाला के कर्मचारियों में से, जो कर्मकार हैं, 5 मई, 1984 से 4 मई, 1987 को समाप्त होने वाली तीन वर्ष की अवधि के लिए भारत सरकार, विल्स मंत्रालय आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की तिनांक 31 मई, 1978 की अधिसूचना सं० एफ० 8/15/78 बौ० ओ० 1 (3) के अधीन नियुक्त श्री बौ० एल० शर्मा के स्थान पर स्टेट बैंक आफ पटियाला के निदेशक बोर्ड में नियुक्त करती है।

[सं० एफ० 15/6/81 आर्ह० आर०]

प्रधानमंत्री राज, अवर सचिव

New Delhi, the 5th May, 1984

S.O. 1642.—In pursuance of clause (ca) of sub-section (1) of section 25 read with sub-section (2A) of section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government hereby appoints Shri A. N. Sharma, Head Cashier category E, State Bank of Patiala, Miller Ganj, Ludhiana as a director on the Board of the State Bank of Patiala from among the employees of the State Bank of Patiala who are workmen for a period of three years commencing on 5th May, 1984 and ending with 4th May, 1987 in the place of Shri B. L. Sharma appointed under the Notification of the Government of India, Ministry of Finance, Department of Economic Affairs (Banking Division) No. F. 8/15/78-BO.I(3), dated 31st March, 1978.

[No. F. 15/6/81-IR]

YESHWANT RAJ, Under Secy.

नई दिल्ली 3 मई, 1984

का० आ० 1643.—कक्षारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 का प्रवर्तन भावितायों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की मिफारिश पर एनदब्ल्यूआर धोषणा करती है कि उक्त अधिनियम की धारा 10 खंड की उपधारा (1) और (2) के उपबंध बैंक आफ मदुरई पर 15 अप्रैल, 1984 से 14

जुलाई, 1984 के तीन महीनों या जब तक कि उस बेक के आले पूर्ण कार्यक अध्यक्ष की नियुक्ति हो इनमें से जो भी पहले ही तक नागर नहीं होते।

[सं 15/4/84 श्र० ओ-III] *
माधव वैद्य, अवर गविर

New Delhi, the 3rd May, 1984

S.O. 1643.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-Sections (1) and (2) of Section 10B of the said Act, shall not apply to the Bank of Madura Ltd., Madurai, for a further period of 3 months from 15th April, 1984 to 14th July, 1984 or till the appointment of the next whole-time Chairman of that bank, whichever is earlier.

[No. 15/4/84-B.O.III]

M. R. VAIDYA, Under Secy.

बाणिज्य मंत्रालय

(मुख्य नियंत्रक, प्रायात नियात का कायनिय)

नई दिल्ली, 4 मई, 1984

का० आ० 1644.—सर्वानी ताज महस होटल (भारतीय होटल क० नि०) सं० 1, मानसिंह रोड, नई दिल्ली को संलग्न सूची के अनुसार 80,00,000 रु० के उप-नायित सहित एम ए श्री वाई की मिस्ट्रेस के प्रायात के लिए, लाइसेंस जारी होने की विधि से 12 माह की वैधता प्राप्ति के साथ, एक प्रायात लाइसेंस सं० पी० ए० 1459704/सी/एक्स-एक्स/86/एक्स/82 एम एल दिनांक 16-2-83 जारी किया गया था।

अब पार्टी ने उपर्युक्त लाइसेंस की दोनों सीमांशुक निकासी/मुद्रा विनियम नियंत्रण प्रतियों की प्रनुलिपि प्रतियों के लिए इस प्राधार पर आवेदन किया है कि उसमें दोनों प्रतियों और गयी हैं। पार्टी ने आवश्यक घाषथ-पत्र प्रस्तुत किया है कि जिसके प्रतिमात्र उपर्युक्त लाइसेंस किसी भी सीमांशुक सदन के पास पंजीकृत नहीं कृप्ता है और न ही उसका उपयोग कृप्ता है और अब लाइसेंस पर 30,00,000 रु० कुश धनराशि है। घाषथ-पत्र-व्यापणा-पत्र में यह भी कहा गया है कि यदि बाद में उक्त सीमांशुक प्रति/मुद्रा विनियम नियंत्रण प्रति मिल जाएगी तो उसे लाइसेंस जारी करने वाले प्राधिकारी को लौटा दिया जाएगा। मैं संतुष्ट हूँ कि प्रायात लाइसेंस की सूल सीमांशुक/मुद्रा विनियम नियंत्रण प्रति यो गयी है और निवेद देता हूँ कि आवश्यक को प्रनुलिपि लाइसेंस जारी किया जाए। लाइसेंस की मूल सीमांशुक/मुद्रा विनियम नियंत्रण प्रति एन्ड हारा रद्द की जाती है।

[मि० सं० 18/314/82-83-एम एल एस/1235]

एम एस० कृष्णामूर्ति, उप-मुख्य नियंत्रक,

प्रायात-नियात

हृते मुख्य नियंत्रक, प्रायात-नियात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

New Delhi, the 4th May, 1984

S.O. 1644.—M/s. Taj Mahal Hotel (The Indian Hotels Co. Ltd.) No. 1, Mansing Road, New Delhi were granted an

import licence No. P[A]1459704[C]XX[86]H/82/MLS dated 16-2-1983 for import of MAC IV system with accessories as per list attached value at Rs. 80,00,000 with a validity of 12 months from the date of issue. Now the party have applied for grant of a Duplicate Customs Purpose/Exchange Control copy of the aforesaid import licence on the ground that both the copies have been lost by them. The party furnished necessary affidavit according to which the aforesaid import licence was not registered with any Customs House and was not utilised at all and the balance against the licence is Rs. 80,00,000. It has also been incorporated in the affidavit/declaration that if the said Customs Purpose/Exchange Control copy of the import licence is traced or found later on, it will be returned to the issuing authority. I am satisfied that the original Customs purpose/Exchange Control copy of the import licence has been lost and direct that a Duplicate licence should be issued to the applicant. The original Customs Purpose/Exchange Control Copy of the licence is hereby cancelled.

[F. No. 18/314/82-83/MLS/1235]

N. S. KRISHNAMURTY, Dy. Chief Controller of
Imports and Exports
for Chief Controller of Imports & Exports

ऋषि मंत्रालय

(पैट्रोलियम विभाग)

नई दिल्ली, 2 मई, 1984

गुद्धि-पत्र

का० आ० 1645.—पैट्रोलियम और चनिज पाइप लाईन (भूमि में उपयोग के अधिकार का अवैन) अधिनियम, 1962 (1962 का 50) के अन्तर्गत आग 6 की उपधारा (i) के अधीन जारी भारत मरकार, ऊर्जा मंत्रालय (पैट्रोलियम विभाग) की अधिकृतता संज्ञा ओ- 12016/9/82 उत्पादन द्वारा का० आ० 2 (a) के संलग्न अनुसूची में भारत के अमाधारण राजपत्र के भाग-II छान्ड 3 उपचान्ड (ii) दिनांक 3-1-1984 में पृष्ठ संज्ञा 1 और 2 पर प्रकाशित गांव बोरिस, तालुका अनींवाग, जिला रायगढ़, झारखण्ड राज्य के लिए।

पहे

धेन

गांव	सर्वेक्षण नंबर प्र०नं०	हेक्टर-आर सेटियर्स
बोरिस	23	5 0.03.3
गांव	के स्थान प्र० सर्वेक्षण नं० प्र० नं०	धेन हेक्टर-आर सेटियर्स
बोरिया	23	5 0.09.3

[मि० O-12016 / 9/82 प्र००३]

MINISTRY OF ENERGY

(Department of Petroleum)

New Delhi, the 2nd May, 1984

CORRIGENDUM

S.O. 1645.—In the schedule appended to the notification of Govt. of India, Ministry of Energy (Department of Petroleum's) No. O-12016/9/82-Prod, dated 3rd January 1984 issued under Section 6(i) of the Petroleum and Minerals Pipeline (ARUL) Act 1962 (50 of 1962) published under S.O. No. 2(E) dated 3rd January 1984 at page No. 1 and 2 of the Extraordinary Gazette of India, Part II Section 3, sub Section (ii) for village BORIS Taluka Alibag, Distt-Raigad, State of Maharashtra.

READ				FOR			
Village	S. No.	H.No.	Area Hectar-Are-Centiar	Village	S. No.	H.No.	Area Hectar-Are-Centiar
BORIS	1	2A 4	0-04.0	BORIA	1	2A 4	0-04.0
	2				2		

[No. O-12016/9/82-Prod.]

कानून आम 1646—अतः केन्द्रीय सरकार को यह प्रतीत होता कि पोर्टलिन में यह आवश्यक है कि हजिरा-बरेली में जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइपलाइन लेत तथा प्राकृतिक गैस आयोग द्वारा बिलाई जानी चाहिए।

और यह यह प्रतीत होता है कि गोरी साहनों को बिलाने के प्रयोजन के लिये एन्ड्रेवर्क्स अनुमूली में वर्णा भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और नियन्त्रित पाइपलाइन (भूमि में उपयोग के अधिकार का अंजित) अधिनियम, 1962 (1962 का 50) की धारा 3 की दस्तावेज (1) द्वारा प्रदत्त अनुमतियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करते थे अपना आयोग एन्ड्रेवर्क्स धोपित किया है।

वर्णन कि उक्त भूमि में हिन्दूदल कोई व्यक्ति, उस भूमि के नीचे पाईंग साड़न बिलाने के लिए आयोग सभी प्राधिकारी, लेत तथा प्राकृतिक गैस आयोग, निर्भाण और देवधारा प्रभाग, सकल्पना रोड, बांदोदरा 9 को द्यम अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और गोरा अधिकार करने वाला हर व्यक्ति बिलिंगट यह सीधे कथन करेगा कि क्या वह यह आहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी का मार्फत।

अनुमूली

हजिरा-बरेली से जगदीशपुर तक पाइपलाइन बिलाने के लिए।

राज्य : गुजरात जिला : बोडोदरा तालुका : करजण

गाँव	मर्दे नं	हे.०	आरा०	मे.०
कथारीया	192	0	25	68
	185	0	33	60
	186	0	18	08
	183	0	05	28
	165	0	00	32
	166	0	40	16
	167	0	26	08
	178 / 1	0	00	32
	178	0	41	60
	177	0	41	60
	176	0	22	95
	174 / 1	0	41	60
	174 / 2	0	16	32
	173	0	02	08

[सं० 0-12016/27/84-प्र०]

S.O. 1646.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira Bareli to Jagdishpur in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission ;

And whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right user in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009.)

And every person making such an objection shall also state specially whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from Hajira-Bareli Jagdishpur.

State : Gujarat District : Vadodara Taluk : Karjan

Village	Survey No.	Hectare	Acre	Centiare
Kanthariya	192	0	25	68
	185	0	33	60
	186	0	18	08
	183	0	05	28
	165	0	00	32
	166	0	40	16
	167	0	26	08
	178/1	0	00	32
	178	0	41	60
	177	0	41	60
	176	0	22	95
	174/1	0	41	60
	174/2	0	16	32
	173	0	02	08

[No. O-12016/27/84-Prod.]

का० आ० 1647—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजारी बरेमी से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइपलाइन लेल तथा प्राकृतिक गैस आयोग द्वारा बिलाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिलाने के प्रस्तुत के लिये एतदशब्द भनुमत भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अवैन) अधिसियम, 1962 (1962 वा० 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवश्यक एतद्वारा चीकित किया है।

बगानों के उक्त भूमि में हिलबद्द क्षेत्र अविवाद, उम भूमि के लिये पाइप लाइन बिलाने के लिए आवेप संकेत प्राकृतिकी, लेल तथा प्राकृतिक गैस आयोग, निर्माण और देवधाल, प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस आविस्त्रता की तरीका से 21 विस्तों के अंतर बाट सकेगा।

और ऐसा अवधिकार करने आवा० हैं, कि यह भी कहते हुए कहते हैं कि यह यह भावता है कि उसकी सुनवाई अविवाद हो या किसी विविध अप्राप्तियाँ नहीं मरम्मत।

प्रत्यक्षी

हजारी-से बटेली से जगदीशपुर तक पाइपलाइन बिलाने के लिए आवध्यक शब्दावली तालिका विलोक्या

नाम	संख्या	हेक्टर	आरो	सेंट
1	2	3	4	5
गुरात	605	0	26	24
	604	0	41	92
	620	0	50	72
	621/2	0	49	76
	622/2	0	02	88
	626/2	0	16	64
	593	0	87	04
	580	0	22	88
	588	0	25	44
	587	0	22	08
	765	0	32	96
	766	0	31	84
	268/2	0	05	28
	767/1	0	21	60
	767/2	0	22	72
	784	0	20	32
	785/7	0	05	44
	785/8	0	10	40
	783/2	0	21	76
	783/3	0	08	64
	782	0	12	96
	793/4	0	21	44
	793/2	0	09	12
	793/3	0	19	36
	794	0	06	88
	802/3	0	13	76
	802/2	0	02	88

1	2	3	4	5
	802/1	0	00	48
	801/1	0	15	52
	801/3	0	18	88
	800/1	0	24	00
	819	0	14	08
	818/2	0	14	72
	820	0	00	28
	827	0	15	36
	824	0	15	36
	825	0	21	28
	826	0	10	40
	836	0	13	28
	837	0	22	40
	838	0	01	76
	839/1	0	31	36
	839/2	0	16	00
	381	1	76	80
	869	0	18	40
	870/1	0	00	32
	346	0	44	00
	347	0	10	56
	345	0	00	16
	348	0	56	32
	349	0	78	04
	350	0	22	24
	352	0	49	12
	353	0	02	40
	354	0	40	16
	289	0	43	84
	288	0	27	76

[सं० ०- 12016 / 28 / 84 प्र०]

पी० के० राज्योपालन, उत्क अधिकारी

S.O. 1647.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareily to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadara-390909.

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by legal practitioner.

Pipeline from Hajira-Bureli-Jagdishpur

State : Gujarat	District : Vadodara	Taluka : Va-hodiya		
Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Gutal	605	0	26	24
	604	0	41	92
	620	0	50	72
	621/2	0	49	76
	602/2	0	02	88
	626/2	0	16	64
	593	0	87	04
	589	0	22	88
	588	0	25	44
	587	0	22	08
	765	0	32	96
	766	0	31	84
	768/2	0	05	28
	767/1	0	21	60
	767/2	0	22	72
	784	0	20	32
	785/7	0	05	41
	785/8	0	10	40
	783/2	0	21	76
	783/3	0	08	64
	782	0	12	96
	793/4	0	21	44
	793/2	0	09	12
	793/3	0	19	36
	794	0	06	88
	802/3	0	13	76
	802/2	0	02	88
	802/1	0	00	48
	801/1	0	15	52
	801/3	0	18	88
	800/1	0	24	00
	819	0	14	08
	818/2	0	14	72
	820	0	00	28
	827	0	15	36
	824	0	15	36
	825	0	21	28
	826	0	10	40
	836	0	13	28
	837	0	22	40
	838	0	01	76
	839/1	0	31	36
	839/2	0	16	00
	381	1	76	80
	869	0	18	40
	870/1	00	00	32
	346	0	44	00
	347	0	10	56
	345	0	00	16
	348	0	56	32
	349	0	76	04
	350	0	22	24
	352	0	49	12
	353	0	02	40
	354	0	40	16
	289	0	43	84
	288	0	27	76

[No. O-12016/28/84-Pred.]

P.K. RAJAGOPALAN, Desk Officer

राजपत्र एवं उत्तरकालीन संस्करण

नई दिल्ली, 22 मार्च, 1984

का० आ० 1648.—सरकारी स्थान (अधिसूचित अधिष्ठोगियों की बेवाली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा भवाल के राजपत्र, भाग II, खण्ड-3, उपलब्ध (ii) ता० 22 नवम्बर, 1975 पृष्ठ 4087 पर प्रकाशित भारत मरकार, भूतपूर्व पौरोहित्य और रक्षण भवालय (स्थान एवं उत्तरकालीन) का० आ० सं० 4982 ता० 4 नवम्बर, 1975 में निम्नलिखित संशोधन करती है :—

उपरोक्त अधिसूचित तालिका के कालम-1 में “वर्तित प्रशासनिक अधिकारी” के स्थान पर “भूतपूर्व प्रशासनिक अधिकारी” अध्ययों का प्रतिस्थापन किया जायेगा।

[फाइल सं० 76/7/83-एफ.डी.सी.]
पृष्ठ ५० के० सेट, अबर-सेटिंग

MINISTRY OF CHEMICALS & FERTILISERS

New Delhi, the 22nd March, 1984

S.O. 1648.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Government of India in the erstwhile Ministry of Petroleum and Chemicals (Department of Fertilizers and Chemicals) No. S.O. 4982, dated the 4th November, 1975 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 22nd November, 1975 at page 4087, namely :—

In the said notification, in column 1 of the Table, for the words “Senior Administrative Officer” the words “Chief Administrative Officer” shall be substituted.

[F. N. 76/7/83-FDC]
P. K. SETH, Under Secy.

खाद्य और धारणिक पूर्ति संवालय

(खाद्य विभाग)

नई दिल्ली, 26 अप्रैल, 1984

का० आ० 1649.—सरकारी स्थान (अधिसूचित अधिष्ठोगियों की बेवाली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा निदेश देती है कि भारत मरकार के भूतपूर्व हक्कि और सिवाई-मंत्रालय, झाला विभाग की अधिसूचित संकाय का० आ० 2181, विनांक 17 जून, 1976 में निम्नलिखित संशोधन किया जाएगा, अर्थात् :—

उक्त अधिसूचित में भारती के स्थान पर निम्नलिखित सारणी प्रतिस्थापित होती, अर्थात् :—

“सारणी

अधिकारी का प्रशासनिक सरकारी स्थानों के प्रवासी और अधिकारित नई स्थानान्वयनीयां

1	2
सचिव, माइनर फूड इंडस्ट्रीज (इंडिया) लिमिटेड के नई (इंडिया) सिक्किम [भूत-पूर्व माइनर फैक्ट्रीज (इ०) सिक्किम], नई दिल्ली	विनांक उनके बुकालालय और उनके अहमशालाद, बंगलोर, भागलपुर, बम्बई, कलकत्ता, चण्णीगढ़, कोचीन, विल्ली, करीबा-वाद, हैवरानाड, हस्ती, जम्पुर, काशीपुर, मद्रास, रोमी और उज्जैन विनांक एककों के अधिकारी उनके द्वारा और उनके विभिन्न पदों पर ऐसे नए स्थान।”

[सं० 8/6/84-एफ.डी.सी.]

एन० के० एम० जाना, विवेक (विभाग)

MINISTRY OF FOOD & CIVIL SUPPLIES

(Department of Food)

New Delhi, 1c 26th April, 1984

S.O. 1649.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby directs that the notification of Government of India in the late Ministry of Agriculture and Irrigation, Department of Food No. S.O. 2181 dated the 17th June, 1976 shall be amended as follows, namely—

In the said notification, for the table, the following table shall be substituted, namely:

“The Table

Designation of officer	Categories of public premises and the local limits of jurisdiction
1 Secretary, Modern Food Industries (I) Ltd. (formerly Modern Bakeries (I) Limited), New Delhi	2 Premises belonging to or taken on lease by and on behalf of Modern Industries, (India) Ltd. at its Headquarters at New Delhi and at its units at Ahmedabad, Bangalore, Bhagalpur, Bombay, Calcutta, Chandigarh, Cochin, Delhi, Faridabad, Hyderabad, Indore, Jaipur, Kanpur, Madras, Ranchi and Ujjain.”

[No. 8/6/84-FNB-D. II]
N.K.S. JHALA, Director (Processing)

सरिवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 30 अप्रैल, 1984

S.O. 1650.—श्री जे० एम० दूबे को, भारत गवर्नर के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना का० आ० सं० 650 (अ) तारीख 6 सितम्बर, 1982 द्वारा, जो भारत के राजपत्र (असाधारण) भाग 2, छंटा 3, उपचंड (ii) तारीख 6 सितम्बर, 1982 में प्रकाशित की गई थी डाक कर्मकारों के एक प्रतिनिधि के रूप में डाक कर्मकार सलाहकार समिति का सदस्य नियुक्त किया गया था।

2. और श्री जे० एम० दूबे वे डाक कर्मकार सलाहकार समिति के सदस्य के रूप में अपना पद त्याग करने की अपनी इच्छा व्यक्त की है और इस प्रकार उक्त डाक कर्मकार सलाहकार समिति में सदस्य का एक पद रिक्त हो गया है।

3. अतः केंद्रीय सरकार, डाक कर्मकार (सलाहकार समिति), नियम, 1982 के नियम 3 के उपचियम (3) के साथ पठित डाक कर्मकार (नियोजन का विनियम) अधिनियम, 1948 (1948 का 9) की धारा 5 की उल्लंघन (2) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, श्री के० डी० माधुर को, श्री जे० एम० दूबे के स्थान पर डाक कर्मकार सलाहकार समिति के सदस्य के रूप में नियुक्त करती है और भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना का० आ० सं० 650(अ), तारीख 6 सितम्बर, 1982 का जो कि भारत के राजपत्र (असाधारण) भाग 2, छंटा 3, उपचंड (ii), तारीख 6 सितम्बर, 1982 में प्रकाशित की गई थी, निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “डाक कर्मकारों का प्रतिनिधित्व करने वाले सदस्य” शीर्षक के नीचे मद ४ में “श्री जे० एम० दूबे” शब्दों के स्थान पर “श्री के० डी० माधुर” शब्द रखे जाएंगे।

[फा० सं० एल० डी० ओ० 44/82-प० एम० (एल०) (जि० II)]

टिप्पण:—मूल अधिसूचना का० आ० सं० 650 (अ), तारीख 6 सितम्बर, 1982 द्वारा प्रकाशित की गई थी। तत्पश्चात् इसका निम्नलिखित अधिसूचनाओं द्वारा संशोधन किया गया:—
का० आ० 721 (अ) तारीख 6 अक्टूबर, 1982
का० आ० 849 (अ) तारीख 15 दिसम्बर, 1982
का० आ० 4380 तारीख 3 विसम्बर, 1983

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 30th April, 1984

S.O. 1650.—Whereas Shri J. L. Dube was appointed as a member of the Dock Workers Advisory Committee as a representative of the Dock Workers vide notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) S.O. 650(E) dated the 6th September, 1982 published in the Gazette of India (Extraordinary) Part II, Section 3, Sub-section (ii) dated the 6th September, 1982.

2. Whereas Shri J. L. Dube has expressed his desire to relinquish his position as member of the Dock Workers Advisory Committee and thus a vacancy has occurred in the said Dock Workers Advisory Committee.

3. Now, therefore, in exercise of the powers conferred by sub-section (2) of section 5 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) read with sub-rule (3) of rule 3 of the Dock Workers (Advisory Committee) Rules, 1962, the Central Government hereby appoints Shri K. D. Mathur as a member of the Dock Workers Advisory Committee vide Shri J.L. Dube and makes the following amendment in the notification of Government of India in the Ministry of Shipping and Transport (Transport Wing) S.O. No. 650(E) dated the 6th September, 1982 published in the Gazette of India (Extraordinary), Part II, Section 3, Sub-section (ii) dated the 6th September, 1982, namely:—

In the said notification, under the heading “Members representing the employers of Dock Workers” in item 8 for the words “Shri J. L. Dube” the words “Shri K. D. Mathur” shall be substituted.

[F. No. LDO/44/82-US(L)(Vol.II)]

NOTE:—The principal notification was published vide S.O. No. 650 (E) dated the 6th September, 1982. This was subsequently amended vide notifications mentioned below:—

S.O. No. 721 (E) dated the 8th October, 1982.
S.O. No. 849 (E) dated the 15th December, 1982.
S.O. No. 4380 dated the 3rd December, 1983.

नई दिल्ली 5 मई, 1984

का० आ० 1651—गोदी कर्मकारी (गोदानार का विनियम) अधिनियम, 1948 (1948 का 9) के उपचंड (3) और (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार श्री एम० एन० बुच (जो छुट्टी पर चले गये हैं) के स्थान पर श्री मोहब अली, कायंकारी अध्यक्ष, कांडला पत्तन न्यास को कांडला डाक नेबर बोर्ड का अध्यक्ष नामित करती है और इस प्रदोजन के लिए नीयहन और परिवहन मंत्रालय की अधिसूचना संबंधा का० आ० 2073 दिनांक 4 अगस्त, 1980 [भारत के राजपत्र, भाग II, छंटा 3, उपचंड (iii)] दिनांक 16 अगस्त, 1980 में पृ० 2869 पर प्रकाशित में निम्नलिखित संशोधन करती है अर्थात्:—

उक्त अधिसूचना में, वीरा 2 में “श्री एम० एन० बुच” के नाम के स्थान पर “श्री मोहब अली” का नाम पढ़ा जाये।

[फाईल मं० एल डी के 60/83 प० एम० (एल)]

मुद्रेश कुमार अवर सचिव

टिप्पणी: भड़य अधिसूचना पहले का आ० 2073 दिनांक 4-8-1980 के तहत प्रकाशित हुई थी। इसमें के बाद में निम्नलिखित अधिसूचनाओं द्वारा संशोधन किया गया :—

क्रम सं० 470 दिनांक 13-1-1981
 क्रम सं० 459 दिनांक 4-1-1983
 क्रम सं० 1865 दिनांक 5-4-1983
 क्रम सं० 3701 दिनांक 13-9-1983

New Delhi, the 5th May, 1984

S.O. 1651.—In exercise of the powers conferred by sub-section (3) and (4) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby nominates Shri Moheb Ali, Acting Chairman, Kandla Port Trust as Chairman of the Kandla Dock Labour Board vide Shri M. N. Buch (who has proceeded on leave) and for that purpose amends the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 2073 dated the 4th August, 1980 (Published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 16th August, 1980 at page 2869) as follows, namely :—

In the said notification, in paragraph 2, for the name "Shri M. N. Buch" the name "Shri Moheb Ali" shall be substituted.

[F. No. LDK/6083-US(L)]

SUDESH KUMAR, Under Secy.

NOTE :—The principal notification was published vide S.O. No. 2073 dated 4-8-1980. This was subsequently amended vide notifications mentioned below :—

S.O. No. 470 dated 13-1-1981
 S.O. No. 459 dated 4-1-1983
 S.O. No. 1865 dated 5-4-1983
 S.O. No. 3701 dated 13-9-1983

संचार मंत्रालय

(डाकनार बोर्ड)

नई दिल्ली, 1 मई, 1984

का० आ० 1652.—भारतीय डाकघर अधिनियम 1898 (1898 का 6) की धारा 21 द्वारा प्रदल शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा भारतीय डाकघर नियमावली 1933 में पुनः संशोधन कर निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) ये नियम भारतीय डाकघर (इसरा संशोधन) नियमावली 1984 कहे जाएँगे।

(2) ये नियम सरकारी राजपत्र में प्रकाशित होने की तारीख से प्रवृत्त होंगे।

2. भारतीय डाकघर नियमावली 1933 के नियम 8 के उपनियम 3 के पश्चात् निम्नलिखित उपनियम शामिल किया जाएँ यथा :—

"(4) जब निकाके पत्र के रूप में भेजे जाएँ तो वे 121 मि०मी० और 458 मि०मी० की श्रेणी में आते हैं और उन्हें निम्नलिखित मदृश्य आकार में रखा जाएगा :—

(1) बैकर आकार 90×121 मि०मी०
 (2) बैकर आकार 90×140 „
 (3) बैकर आकार 90×152 „
 (4) बैकर आकार 110×220 „
 (5) बैकर आकार 114×162 „
 (6) पाकेट आकार 110×220 „

(7) पाकेट आकार	125×176	मि०मी०
(8) पाकेट आकार	125×324	„
(9) पाकेट आकार	162×229	„
(10) पाकेट आकार	176×250	„
(11) पाकेट आकार	229×324	„
(12) पाकेट आकार	250×353	„
(13) पाकेट आकार	324×458	„

जर्त यह है कि भारत से विदेशों को पत्र के रूप में भेजे जाने वाले निकाकों पर इस उपनियम में दी गई अवधारणा वास्तु नहीं होती क्योंकि वे विश्व डाक संघ के गर और विनियमों, जिस पर भारत ने भी हस्ताक्षर किए हैं, के विवर्द्ध है।

[फा० सं० 8/1/83-सी० आई०]
 नींवेश सं० शालुकवार, मदस्य
 (डाक संचालन)

टिप्पणी : डाक नार नियम पुस्तक अंड 1 विधायी अधिनियम भाग 1, 5बा संस्करण, 1-1-1975 तक संशोधन के बाद उपरोक्त विषय पर जारी की गई मूल अधिसूचना जारी की जा चुकी है। इस प्रकार है :—

सा०का०नि० सं० 2888 दिनांक 19-12-75
 सा०का०नि० सं० 596(ई) दिनांक 30-12-75
 सा०का०नि० सं० 741(ई) दिनांक 31-12-75
 सा०का०नि० सं० 472 दिनांक 24-1-76
 सा०का०नि० सं० 93 (ई) दिनांक 25-2-76
 सा०का०नि० सं० 811 (ई) दिनांक 31-5-76
 सा०का०नि० सं० 943 (ई) दिनांक 21-6-76
 सा०का०नि० सं० 135 दिनांक 7-1-78
 सा०का०नि० सं० 304(ई) दिनांक 29-5-78
 सा० का० नि० सं० 316(ई) दिनांक 18-5-79
 सा०का०नि० सं० 4118 दिनांक 29-12-79
 सा०का०नि० सं० 1256 दिनांक 13-5-80
 सा०का०नि० सं० 490(ई) दिनांक 26-6-80
 सा० का० नि० सं० 491(ई) दिनांक 26-8-80
 सा०का०नि० सं० 380(ई) दिनांक 5-6-81
 सा०का०नि० सं० 409 (ई) दिनांक 26-9-81
 सा०का०नि० सं० 417(ई) दिनांक 22-5-82
 सा०का०नि० सं० 59 (ई) दिनांक 11-2-82
 सा०का०नि० सं० 411 (ई) दिनांक 13-5-82
 सा०का०नि० सं० 33 (ई) दिनांक 20-1-83
 सा०का०नि० सं० 49 (ई) दिनांक 2-2-83
 सा०का०नि० सं० 444(ई) दिनांक 23-5-83

MINISTRY OF COMMUNICATIONS

(Posts & Telegraphs Board)

New Delhi, the 18th May, 1984

S.O. 1652.—In exercise of the powers conferred by section 21 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely :—

1. (1) These rules may be called the Indian Post Office (2nd Amendment) Rules, 1984.
- (2) They shall come into force on the date of their publication in the official Gazette.
2. In rule 8 of the Indian Post Office Rules, 1933, after sub-rule 3, the following sub-rule shall be inserted, namely :—
- "(4). When the length of the envelopes sent as letters falls

within the range of 121 mm and 458 mm, they shall conform to the following sizes, namely :—

(i) Banker shape	90 × 121 millimetres
(ii) Banker shape	90 × 140 -do-
(iii) Banker shape	90 × 152 -do-
(iv) Banker shape	110 × 220 -do-
(v) Banker shape	114 × 162 -do-
(vi) Pocket shape	110 × 220 -do-
(vii) Pocket shape	125 × 176 -do-
(viii) Pocket shape	125 × 324 -do-
(ix) Pocket shape	162 × 229 -do-
(x) Pocket shape	176 × 250 -do-
(xi) Pocket shape	229 × 324 -do-
(xii) Pocket shape	250 × 353 -do-
(xiii) Pocket shape	324 × 458 -do-

Provided that the provisions of this sub-rule shall not apply to envelopes sent as letters to countries outside India in so far as they are in conflict with the Convention and the Regulations of the Universal Postal Union to which India is a signatory.

[F. No. 8-1/83-CI]

NEEPESH C. TALUKDAR,
Member (Postal Operations)

Note :—Principal notification issued on the subject after the publication of P & T Manual Volume I, Legislative Enactment Part I, Fifth Edition Corrected upto 1-1-1975 are as follows :—

- GSR No. 2888 dated 19-12-75.
- GSR No. 596 (E) dated 30-12-75.
- SO No. 741 (E) dated 31-12-75.
- SO No. 472 dated 24-1-76.
- GSR No. 93 (E) dated 25-2-76.
- GSR No. 811 (E) dated 31-5-76.
- GSR No. 943 (E) dated 21-6-76.
- GSR No. 135 dated 7-1-78.
- GSR No. 304 (E) dated 29-5-78.
- GSR No. 316 (E) dated 18-5-79.
- GSR No. 4118 dated 29-12-79.
- GSR No. 1256 dated 13-5-80.
- GSR No. 490 (E) dated 26-6-80.
- GSR No. 491 (E) dated 26-8-80.
- GSR No. 380 (E) dated 5-6-81.
- GSR No. 409 (E) dated 26-9-81.
- GSR No. 417 (E) dated 22-5-82.
- GSR No. 59 (E) dated 11-2-82.
- GSR No. 411 (E) dated 13-5-82.
- GSR No. 33 (E) dated 20-1-83.
- GSR No. 49 (E) dated 2-2-83.
- GSR No. 444 (E) dated 23-5-83.

नई दिल्ली, 3 मई, 1984

का०आ० 1653:—स्थार्या अंवेश संख्या 627 दिनांक 8 मार्च 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के स्थान 3 के प्रेरा (क) के अनुसार आकतार महानिवेशक ने अन्यूल टेलीफोन केन्द्र में दिनांक 16-5-84 से प्रमाणित वर प्रणाली लागू करते का निश्चय किया है।

[सं० 5-12-84-पी एच बी]
याई० आर० भर्मीन,

महायक महानिवेशक (पी० एच० बी०)

New Delhi, the 3rd May, 1984

S.O. 1653.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1961, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specified 16-5-1984 as the date on which the Measured Rate System will be introduced in ANGUL Telephone Exchange ORISSA Circle.

[No. 5-12/84-PHB]

Y. R. BHASIN, Asstt. Director General (PHB)

MINISTRY OF LABOUR & REHABILITATION

(Department of Labour)

New Delhi, the 25th April, 1984

S.O. 1654.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Alkusa Colliery of M/s. Bharat Coking Coal Ltd., Post office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 21st April, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 59 of 1981

PARTIES :

Employers in relation to the management of Alkusa Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad.

AND

Their workmen

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal

Dhanbad, the 12th April, 1984

AWARD

By Order No. 1-20012/159/81-D.III(A), dated, the 29th September, 1981, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :—

“Whether the demand of the workman of Alkusa Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad that Shri Sideshwar Dubey should be allowed to work as Badli Miner/Loader is justified ? If so, to what relief is the concerned workman entitled ?”

2. The case of the concerned workman Shri Sidheshwar Dubey is that he worked as wagon loader in Alkusa Colliery of Messrs Bharat Coking Coal Ltd., since 1973 till 1975. In that capacity he had put in 127 days attendance in the year 1973, 107 days attendance in the year 1974 and 62 days attendance in the first 5 months in the year 1975. The management had taken a general policy decision in consultation with the Trade Unions functioning in the collieries of Messrs Bharat Coking Coal Limited that such workmen who had put in 75 days attendance between 1973 and 1976 would be regularised in the job of Badli Miner/Loader and would subsequently be made permanent in due course. On the basis of the aforesaid policy decision, the management allowed a large number of such workmen to work as Badli Miner/Loader, all of whom have since been made permanent loaders. The management, however, did not allow duty of Badli Miner/Loader to the concerned workman though he was qualified for such absorption in the year 1976 by virtue of his aforesaid attendances in the years, 1973, 1974 and 1975. Thus gross injustice had been done to the concerned workman. The Union of the workmen made a representation in this connection to the Area General Manager but received no reply. Thereafter the Union represented before the Assistant Labour Commissioner (C), Dhanbad who took up the matter in conciliation proceedings which ended in failure leading to the present reference. On these grounds, the demand of the concerned workman is that he should be absorbed as Badli Miner/Loader with effect from 1-1-1976 with consequential relief.

3. The case of the management, on the other hand, is that the name of the concerned workman Shri Sideshwar Dubey appeared in the Bonus register and in the Wage-sheets registers for the period between 1973 and 1975 as unlisted casual wagon loader under suspicious conditions with several interpolations which indicated that the concerned workman wanted to enter into service by surreptitious means and get himself regularised as wagon loader. At the time of nationalisation of coal mines there were large number of small collieries with or without railway sidings. The wagons used to be supplied in an erratic way at the mercy of the railway authorities. There were large number of casual wagon loaders working under various contractors for loading wagons at different collieries. The present management abolished the wagon loading contract system, amalgamated several small mines into a bigger colliery, integrated loading, stacking, screening soft coke making etc., and ultimately solved the problems of the wagon loaders to a very great extent. The management employed the wagon loaders as permanent casual and unlisted casual workmen. The permanent workmen were given jobs of wagon loading on alternative jobs such as screening, stacking and soft coke manufacturing etc. on all dates whereas casual wagon loaders were given the jobs on the dates when more wagons were supplied and they were also accommodated on alternative jobs whenever the same could be available. The unlisted casual wagon loaders were engaged as and when required. There was no provision for regularisation of unlisted casual wagon loaders at any time. The casual wagon loaders were regularised after completion of 240 days of attendance in any calendar year. The management maintained a list of permanent wagon loaders and a separate list of casual wagon loaders as per the requirement. In that process the unlisted casual wagon loader could not get any job and hence that system was abolished. The management cannot maintain a large number of workmen in casual role as Badli Miner/Loader unless they can be provided with jobs if not regularly at least for a reasonable period to enable them to earn certain minimum livelihood. In the circumstances the demand of the concerned workman to allow him to work as Badli Miner/Loader is without any justification and is fit to be rejected.

4. Shri A. K. Mitra (MW-1), Senior Personnel Officer of Alkusa colliery, is the lone witness examined on behalf of the management. Certain documents and registers filed by the management have also been marked as Exts. M-1 to M-10 after their formal proof has been dispensed with by the other side. No evidence, either orally or documentary, has been adduced on behalf of the concerned workmen, and the concerned workman relies for his case on the documents and registers which have been exhibited on behalf of the management after dispensing with their formal proof.

5. According to the circular dated 27-12-1978 (Ext. M-1), issued by the General Manager a decision was taken by the management to employ unlisted male workers who had completed 75 days attendance during 1973-1976 as Badli Miners/Loaders. In the said circular it was emphasised that such unlisted casual workers may be taken as Badli Miners/Loaders if they gave an undertaking that they will submit proof of their genuineness from their Mukhiya and B.D.O. but a month, the management had a right to remove them from the employment of the colliery. This circular dated 27-12-1978 (Ext. M-1), was followed by another circular dated 4-8-1980 (Ext. M-10) issued by the General Manager (Personnel) communicating the decision that such of the delisted casual wagon loaders who had put in 75 days or more attendance during the period 1973, 1974, 1975 and 1976 may be taken in employment as Badli Loaders, subject to the availability of work and as far as practicable the persons having higher attendances during the period 1973, 1974, 1975 and 1976 would be given preference in the matter of deployment as Badli Miners/Loaders over those having lower attendances. It would thus, be noticed that according to the aforesaid 2 circulars dated 27-12-1978 (Ext. M-1) and 4-8-1980 (Ext. M-10) an unlisted or de-listed casual worker who had put in 75 days or more attendances during the period 1973-1976 was not automatically and as a matter of right entitled to be employed as Badli Miner/Loader but his such employment was discretionary with the management depending on the availability of work and subject to the submission by him the proof of his genuineness from his Mukhiya and B.D.O.

6. The management has in this case filed Bonus Register for the year 1975 (Ext. M-2), 4 wage-sheets registers for the year 1973, (Ext. M-3, M-4, M-5 and M-6) and 3 wage-sheets registers for the year 1974 (Ext. M-7, M-8 and M-9), and, on the basis of the entries made, therein, Shri B. Joshi, Advocate, appearing on behalf of the management and Sri S. Bose, appearing on behalf of the concerned workman have during the course of arguments filed a statement dated 11-4-1984 jointly signed by them which has been placed on the record, showing weekly attendances of the concerned workman during the years, 1973, 1974 and 1975, the total of which comes to 187-1/2 days which is much more than 75 days attendance during 1973-76 required under the 2 circulars dated 27-12-1978 (Ext. M-1) and 4-8-1980 (Ext. M-10) to qualify an unlisted or de-listed casual worker to be employed as Badli Miner/Loader. But it is the evidence of Sri A. K. Mitra (MW-1), Senior Personnel Officer of Alkusa Colliery, that he had examined the case of the concerned workman Sri Sidheshwar Dubey and on examination he had found that in respect of Sri Sidheshwar Dubey there were cuttings, erasers, over-writings and manipulations in respect of his name in the bonus register for the year 1975 (Ext. M-2) and in the 4 wage-sheets registers for the year 1973 (Ext. M-3, M-4, M-5 and M-6) and 3 wage-sheets registers for the year 1974 (Ext. M-7, M-8 and M-9), and, consequently he did not find him to be a genuine workman fit for being allowed to work as Badli Miner/Loader. Shri B. Joshi, Advocate, appearing on behalf of the management has also in course of his arguments demonstrated those cuttings, erasers, over-writings and manipulations in the aforesaid registers in respect of the name of Shri Sidheshwar Dubey. On perusal of the aforesaid registers, it is apparent to the naked eye that in all those registers deliberate attempts have been made to change the name of one Sudheshwar Bhuiya as Sidheshwar Dubey by cuttings, erasers, and over-writings which clearly indicate that the concerned workman Shri Sidheshwar Dubey is not a genuine workman and he somehow wants to enter into the services of Alkusa Colliery of Messrs Bharat Coking Coal Limited in place of one Sudheshwar Bhuiya by taking recourse to such cuttings, erasers and over-writing in the bonus register and the wage-sheets register. It was obviously with a view to thwart such attempts that the management in its circular dated 27-12-1978 (Ext. M-1) had insisted that those un-listed casual workers who claimed to be employed as Badli Miner/Loader on the ground of completion of 75 days attendances during 1973-76 should submit proof of their genuineness from their Mukhiya and B.D.O., which the concerned workman Sri Sidheshwar Dubey has failed to produce in this case. It is also worth-while to mention here that the concerned workman Sri Sidheshwar Dubey had not the courage to face the witness box and he has not examined himself in this case to say that he was a genuine worker who had worked in Alkusa Colliery as un-listed or

de-listed casual worker and he has completely kept himself out of scene and no evidence whatsoever, either oral or documentary has been led on his behalf to prove his genuineness which has been strongly challenged by the management in its written statement as well as in evidence. On the evidence on record as adduced on behalf of the management it is, therefore, held that the concerned workman Sri Sidheshwar Dubey is not a genuine workman and he somehow wants to enter into the services of Alkusa Colliery of Messrs Bharat Coking Coal Limited by impersonation in place of one Sudheshwar Bhuiya as is apparent from the bonus register for the year 1975 (Ext. M-2), 4 wage-sheets registers for the year 1973, (Ext. M-3, M-4, M-5 and M-6) and 3 wage-sheets registers for the year 1974 (Ext. M-7, M-8 and M-9) in which deliberate attempts have been made to change the name of Sudheshwar Bhuiya to that of Sidheshwar Dubey by cuttings, erasers and over-writings which are apparent to the naked eye.

7. In view of my aforesaid findings that the concerned workman Sri Sidheshwar Dubey is not a genuine unlisted or de-listed workman of Alkusa Colliery of Messrs Bharat Coking Coal Limited his demand that he should be absorbed as Badli Miner/Loader on the basis of the aforesaid 2 circulars dated 27-12-1978 (Ext. M-1) and 4-8-1980 (Ext. M-10) with retrospective effect from 1-1-1976 is clearly not justified and consequently he is not entitled to any relief. The reference is answered and the Award is made accordingly. But in the circumstances of the case there will be no order as to costs.

MANORANJAN PRASAD, Presiding Officer.

[No. L-20012(159)/81-D.III(A)]

S.O. 1655.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Muraidih Project of Messrs Bharat Coking Coal Limited, and their workmen which was received by the Central Government on the 21st April, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(i)(d) of the Industrial Disputes Act, 1947.

Reference No. 52 of 1983

PARTIES :

Employers in relation to the management of Muraidih Project of Messrs Bharat Coking Coal Limited.

AND

Their workmen

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workman—Shri B. K. Ghose, Member, Executive Committee, Janta Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated, the 11th April, 1984

AWARD

The Central Government in the Ministry of Labour has, by Order No. L-20012(76)/83-D.III.A., dated, the 6th July, 1983, in exercise of the powers conferred by clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :—

“Whether the demand of Shri C. R. Das, Dumper Operator Grade-D for being placed in the appropriate grade in appropriate Excavation Group as per Joint Bipartite Committee for Coal Industry decision, by the management of Muraidih Project of Messrs Bharat Coking Coal Ltd., Dhanbad is justified ? If so, to what group and grade is the workman entitled and from what date ?”

2. The case of the management of Messrs Bharat Coking Coal Ltd., is that the concerned workman, Sri C.R. Das, was appointed in the year 1979 in Muraidih Project as Dumper Operator Grade-D as a new recruit after his selection by the selection committee in accordance with the procedure of selection of new recruits and he was issued a letter of appointment containing the terms and conditions of service which he accepted. The rules of promotion from Grade-D to Grade-C, which is the next higher grade, prescribe the conditions, eligibility and the procedure to be followed by the Departmental Promotion Committee and for such promotion a candidate must pass the trade test conducted by the Departmental promotion Committee. The Departmental Promotion Committee constituted in the year 1982 to consider promotions of Grade-D Dumper Operators to Grade-C considered the case of the concerned workman along with other eligible candidates but the Departmental Promotion Committee did not recommend the name of the concerned workman for promotion to Grade-C, and, therefore, the concerned workman could not be promoted from Grade-D to Grade-C. The management has implemented the circular of the Joint Bipartite Committee for coal industry and has placed the Dumper Operators in Grade-D, C or B according to the norms prescribed in the said circular and there is no deviation from the said norms. The number of years of experience in a particular grade is considered from the date a workman is placed in that grade in the organisation of this management and his seniority is also counted from that date. The selection Committee after considering all the relevant facts such as qualification, experience, performance in the trade test and other relevant factors decides suitability of a candidate for his employment and his fitness for his placement in a particular grade such as D.C or B at the initial stage of his employment and that becomes the starting point of a workman in the organisation. The concerned workman was selected for his employment as Dumper Operator Grade-D which he accepted and he cannot demand higher grade on the basis of the number of years of his experience under his ex-employers. The concerned workman is, therefore, not entitled to any relief.

3. The case of the concerned workman, on the other hand, is that he has been working in Muraidih Project of Messrs Bharat Coking Coal Limited as Dumper Operator Grade-D from July 1979. But by virtue of his about 15 years previous experience and on account of the fact that he has been operating a 50 tonne Dumper he is entitled to Grade-A (Excavation) as per the recommendations of the Joint Bipartite Committee of coal industry since the date of his appointment in Muraidih Project in July, 1979. By an Office Order No. GM-1|PD|DPC(Exn)|342282 dated, 21/30th April, 1982 Shri Ramji Sharma and 9 other Dumper Operator Trainees were promoted from Cat. V to excavation Grade-C within 2 years of their appointment. Similarly by Office Order No. GM-1|PD|9581|82, dated, 19/21st October, 1982 Sri Ragho Singh and 7 other Dumper Operator Trainees were promoted from excavation Grade-C to excavation Grade-B with retrospective effect from 1-10-1979. In view of the above, the refusal by the management to place the concerned workman in the appropriate excavation Grade-A is discriminatory. On these grounds, the demand of the concerned workman is for his placement in excavation Grade-A or appropriate grade from July, 1979 on the basis of the recommendations of the Joint Bipartite Committee for coal industry.

4. Certain documents have been exhibited on each side after their formal proof has been dispensed with by the other side. The concerned workman Sri C. R. Das (WW-1) is the lone witness examined on his behalf. Similarly, the lone witness examined on behalf of the management is Sri S. C. Gaur (WW-1), Personnel Manager of Barora Area No. 1 within which the Muraidih Project lies.

5. It is admitted case of the parties that the concerned workman Sri C. R. Das was appointed in Muraidih Project of Messrs Bharat Coking Coal Limited in the year 1979 as a Dumper Operator Grade-D. Thereafter it appears that in March, 1978 there was a trade test of excavation employees including dumper operators of Muraidih Project of Barora Area by the Departmental Promotion Committee consisting of Sri S. C. Gaur, Personnel Manager; Sri S. L. Azad, Area Manager (L & M) and Sri K. N. Bhattacharjee. Superintendent (Safety) when Sri V. B. Singh, Senior Engineer (D&C) was also present as an observer and as an expert. At the said trade test the excavation employees including the concerned workman Sri C. R. Das, Dumper Operator

Grade-D, besides other Dumper Operators, had also appeared and Ext. M-4 is the marksheets obtained by the candidates at the said test from which it appears that the concerned workman had obtained 9 out of 20 marks in trade test. In this connection it is the evidence of Sri S. C. Gour (MW-1), Personnel Manager, who was one of the members of the Departmental Promotion Committee, that the Dumper Operators were required to drive Dumpers and their performances were observed by the members of the Departmental Promotion Committee and the pass marks for trade test was 10 out of 20 but since the concerned workman got only 9 marks out of 20 in trade test he did not pass in trade test which was the main test. According to him, if a candidate failed in trade test he failed entirely and his case was not to be considered for promotion and since Sri C.R. Das, Dumper Operator Grade-D had failed in trade test his case was not recommended for promotion to Grade-C. Ext. M-5 is the report dated 15-4-1982 of the Departmental Promotion Committee recommending the names of 19 persons of Muraidih Project mentioned in Annexure B to the report for their promotion/regularisation to the posts and excavation grades as mentioned against each name. But the said Annex. B does not contain the name of the concerned workman Shri C. R. Das, Dumper Operator Grade-D for his promotion to Grade-C as he had failed in the trade test. On the basis of the said Ext. M-4 and M-5, Office Orders dated 21-4-1982 (Ext. M-1) and 19-10-1982 (Ext. M-2) were issued promoting different employees including some Dumper Operators of Muraidih Project to different grades but those orders also do not contain the name of the concerned workman Sri C. R. Das for the same reason.

6. It is next the evidence of Sri S. C. Gour (MW-1), Personnel Manager of Barora Area No. I within which Muraidih Project lies, that in December, 1982 or in January, 1983 there was again an interview by the Departmental Promotion Committee of all excavation personnel of Barora Area in which Sri C. R. Das, Dumper Operator was promoted from Grade-D to Grade-C, but the papers concerning the same are not traceable in the office.

7. It is next the evidence of Sri S. C. Gour, (MW-1) that in November, 1983 also there was yet another interview by the Departmental Promotion Committee in which the concerned workman Sri C. R. Das was promoted from Dumper Operator Grade-C to Dumper Operator Grade-B with effect from 17/12/1983. Ext. M-6 is the report dated 26-11-1983 of the Departmental Promotion Committee which is signed by Sri S. C. Gour (MW-1) and the other members of the Departmental Promotion Committee recommending the name of the concerned workman Sri C. R. Das for his promotion from Dumper Operator Grade-C to Dumper Operator Grade-B and Ext. M. 7 is the Office Order dated 17/12/1983 promoting the concerned workman Sri C. R. Das, from Dumper Operator Grade-C to Dumper Operator Grade-B which is signed by Sri S. C. Gour (MW-1) as the Personnel Manager of Barora Area.

8. The contention of the concerned workman, however is that by virtue of his about 15 years previous experience and on account of the fact that he has been operating a 50 tonnes Dumper, he was entitled to get Grade-A (excavation) as per the recommendations of the Joint Bipartite Committee for coal industries since the date of his appointment in July, 1979.

9. Ext. M-3 is a photostat copy of the report of the sub-Committee C of the Joint Bipartite Committee for coal industries in respect of grading, job description etc. of excavation. It has classified the workmen of excavation in Special Grade, Group A, Group B, Group C, Group D, Group E and Group F. The concerned workman claims to be entitled to Dumper Operator Grade-A, by virtue of his 15 years previous experience and on account of the fact that he has been operating a 50 tonnes Dumper. A perusal of Ext. M-3 would, however, show that no Dumper Operator has been placed in Group-A. Under item No. 5 of Group B, however, there is a reference about Dumper Operator Grade-I which gives the following qualifications:

"A skilled workman with not less than five years experience in the operation of heavy duty of the highway dumpers or coal haulers like Euclid, Nakes, Le Tourneau etc. He will operate such equipment of a capacity of 22 tons and above but less than

45 tons. He should also have general knowledge of the mechanism of the equipment and should undertake minor running repairs. He should hold a valid licence endorsed for driving heavy duty vehicles."

In that very report, Ext. M-3, there is also a reference about Dumper Operator Grade-II under item No. 2 of Group "C" which gives the following qualifications:

"A skilled workman with not less than 2 years experience in the operation of heavy duty of the highway dumpers or coal haulers like euclids, nakes, le tourneau etc. He will operate such equipment of not less than 15 tons capacity and above but less than 22 tons. He should also have some knowledge of the mechanism of the equipment and should be able to undertake minor running repairs. He should hold valid licence endorsed for driving heavy duty vehicles."

There is also a reference in the said report Ext. M-3 about Dumper Operator Grade-III under item No. 2 of Group-D which gives the following qualifications:

"A skilled workman with not less than 2 years experience in the operating of heavy duty of the high-way dumpers or coal haulers like euclides, nakes, le tourneau etc. He will operate such equipment of not less than 8 tonnes capacity and above but less than 15 tonnes. He should also have some knowledge of the mechanism of the equipment and should be able to undertake minor running repairs. He should possess valid licence for driving heavy duty vehicles."

It should thus be noticed that Dumper Operators with different knowledge and experience have been classified under item No. 5 of Group B, item No. 2 of Group C and item No. 2 of Group D.

10. As already mentioned above the concerned workman was admittedly appointed in the year 1979 in Muraidih Project of Messrs Bharat Coking Coal Limited as Dumper Operator Grade-D. The concerned workman, however, claims to be entitled to Grade-A (Excavation) as per recommendation of the Joint Bipartite Committee for coal industry from the very date of his appointment in Muraidih Project of Messrs Bharat Coking Coal Limited in the year, 1979 by virtue of his about the 15 years previous experience and on account of the fact that he had been operating a 50 tonnes Dumper. But, as already shown above, in the report Ext. M-3 no Dumper Operator has been classified in Group-A. It is, therefore, only to be seen if the concerned workman came under Group-B or Group-C at the time he was appointed in the year 1979 in Muraidih Project of Bharat Coking Coal Limited as Dumper Operator Grade-D. On behalf of the concerned workman only 2 documents have been filed on which he relies. The first document is a proficiency test certificate (Ext. W-2) granted to the concerned workman by the Incharge of Heavy Vehicle Mechanic cum-Driver's Centre of the Ministry of Labour, Employment and Rehabilitation, Government of India, Mana Camp, Raipur (M.P.) certifying that he had successfully completed a course of Technical Training in that Centre and qualified as a Heavy Vehicle Driver, during the training period from July, 1966 to December, 1967. The other is the certificate dated 3-8-1979 (Ext. W-1) granted by the Assistant Engineer, Mechanical Sub-Division IV, P.O. Panchbati (Orissa) certifying that the concerned workman was known to him since last 7 years and he was working as Operator on the work-charge establishment of that Sub-Division and that he can efficiently operate all types of earth moving machinery like, Scrapers, Dumpers and Dozers including wheel type light vehicles and he could also undertake the repairs of the above machinery individually. The above 2 certificates, however, fall short of the qualifications required for Dumper Operators Grade-I. Under item No. 5 of Group-B or Dumper Operator Grade-II under item No. 2 of Group C which respectively requires not less than 5 years experience and 2 years experience in the operation of heavy duty of the highway Dumpers or coal haulers like Euclid, Nakes, Le Tourneau etc. about which there is no mention in the aforesaid certificates Ext. W-1 or Ext. W-2. Moreover, as against the aforesaid certificate dated 3-8-1977,

(Ext. W-1) of the Assistant Engineer, Mechanical Sub-Division-IV, P.O. Panchbati (Orissa), there was the trade test in Dumper driving held by the Departmental Promotion Committee of Muraidih Project in March, 1982 at which the concerned workman Sri C. R. Das had failed having secured only 9 out of 20 marks, the pass marks being 10 out of 20 (vide the marksheet Ext. M-4) with the result that his case was not recommended for promotion from Grade-D to Grade-C.

11. It is next the case of the concerned workman that he had been operating 50 tonnes Dumper, and the concerned workman Sri C. R. Das (WW-1) has also stated in his evidence that at present he is operating 50 tonnes Dumper in Muraidih Project since last 2 years and before that he used to operate 35 tonnes dumpers since his appointment in Muraidih Project in 1979. But he has been directly contradicted by Sri S. C. Gour (MW-1), Personnel Manager of Barora Area No. I within which Muraidih Project lies who has deposed that the case of Shri C. R. Das that he had all along driven dumper of 50 tonnes is not correct and that he used to drive dumpers according to the recommendations of the Joint Bipartite Committee. It is further his evidence that in March, 1982 while holding trade test of Sri C. R. Das, Dumper Operator Grade-D for his promotion to Grade-C, he was asked to drive dumpers between 15 to 20 tonnes. It is also his evidence that when a Dumper Operator in Grade-C is considered for promotion to Grade-B, he is asked to drive dumpers between 22 to 44 tonnes. In view of the aforesaid evidence the concerned workman cannot also claim any higher grade from the date of his appointment in July, 1979 on the ground that he has been operating 50 tonnes Dumper as that has not been substantiated in evidence.

12. On the evidence it is, therefore, established that the concerned workman was rightly appointed as Dumper Operator Grade-D in 1979 after selection by the Selection Committee and he having failed in the trade tests held in March, 1982 he was not promoted from Grade-D to Group-C but subsequently in December, 1982 or in January, 1983, the Departmental Promotion Committee found him fit for promotion from Grade-D to Grade-C and he was accordingly promoted from Grade-D to Grade-C and later on the Departmental Promotion Committee found him fit for promotion from Grade-C to Grade-B and he was accordingly promoted from Grade-C to Grade-B with effect from 17/21-12-1983. The claim of the concerned workman in his written statement that he was entitled to get Grade-A (excavation) from the date of his appointment in July, 1979 as per the recommendations of the Joint Bipartite Committee for coal industry is, therefore, not justified. Moreover, there is no Group-A (excavation) for Dumper Operators in the recommendations of the Joint Bipartite Committee for coal industry.

13. At the time of argument it was, however, contended by Sri B. K. Ghose, appearing on behalf of the concerned workman that though Sri S. C. Gour (MW-1), Personnel Manager, has deposed that after interview by the Departmental Promotion Committee in December, 1982 or in January, 1983, the concerned workman was promoted from Grade-D to Grade-C, no paper concerning the same are said to be traceable, and the concerned workman has also not received any paper concerning such promotion from Grade-D to Grade-C nor he has received Grade-C wages for the period between December, 1982 and 17/21-12-1983 when he was promoted from Grade-C to Grade-B. Shri B. Toshi, Advocate, appearing on behalf of the management, however, conceded that the concerned workman will get his wages of Grade-C for the period between December, 1982 and 17/21-12-1983, less the wages already drawn by him for the said period in case he has not been given grade-C wages for the said period. The management is directed to make the said payment to the concerned workman if it has not already been done.

14. Subject to the aforesaid direction, it is held that the concerned workman has been placed by the management in the right grades i.e. in Grade-D from the date of his appointment in 1979, Grade-C from December, 1982 to 17/21-12-1983 and Group-B from 17/21-12-1983 onwards to which only he is entitled and his claim for being placed

in any higher grade is not justified. The reference is answered and the award is made accordingly, but in the circumstances of the case there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer

[No. L-20012(76)/83-D.III (A)]

New Delhi, the 1st May, 1984

S.O. 1656—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Central Automobile Workshop of Messrs Bharat Coking Coal Ltd., Godhur, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 24th, April, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD.

Reference No. 72 of 1982

In the matter of an industrial dispute under S. 10 (1)(d) of the I. D. Act., 1947.

PARTIES :

Employers in relation to the management of Central Automobile Workshop of Messrs Bharat Coking Coal Limited, Godhur, Post Office Kusunda, District Dhanbad and their workmen.

APPEARANCES.

On behalf of the employers : Shri B. Joshi, Advocate.

On behalf of the workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

State: Bihar.

Industry : Coal.

Dhanbad, 19th April, 1984.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them under section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication under order No.L-20012(11)82-D.III(A) dated the 19th July, 1982.

SCHEDULE

"Whether the action of the management of Central Automobile Workshop of Messrs Bharat Coking Coal Limited, Godhur, Post Office Kusunda, District Dhanbad, in not placing Sarva Shri Ramrup Nunia, Chetla Bhuiyan, Taz Mohmad and Bindeshwari Shaw in Category-II and also in not

paying wages of Category-II as per their nature of job is justified ? If not, to what relief are the workmen concerned entitled ?'

2. The case of the management is that the concerned workmen were appointed as General Mazdoors and were performing the duties of General Mazdoors, Fitter Mazdoor and were carrying on miscellaneous types of jobs connected with workshop. They were appointed in Category I and performing the duty of Category I and were paid the wages of Category I. Originally the concerned workmen S|Shree Taz Mohammad Ansari was appointed on 23.9.71, Ram Rup Nunia on 25-11-71, Chetlal Bhuiyan on 26-11-71 and Bindeshwari Shaw on 8.12.75 as General Mazdoors and they were posted in the automobile workshop on 1.5.77, 14.2.78 and 9.12.75 respectively. Even after the posting of the concerned workmen in the automobile workshop at Godhur they were working as General Mazdoors doing miscellaneous jobs allotted to them from time to time. S|Shree Ram Rup Nunia and Bindeshwari Shaw did not work as auto-mechanic helper from 14.2.78 and 8.12.75 respectively and Shri Chetlal Bhunia and Taz Mohammad Ansari did not work as auto electrical helper and painter helper from 14-2-78 and 1.5.77 respectively. Before claiming for the designation of Fitter helper and demanding Category II wages prescribed for Fitter helper a General Mazdoor or Fitter Mazdoor must possess the requisite knowledge and experience and there should be vacancies for those posts. A Fitter helper is a workman who has gained some experience as Fitter Mazdoor and has improved his status by practice until he can do elementary fitting work. The above principle is applicable both for electrical and mechanical helper. To fill up all the vacancies of helpers at the automobile workshop at Godhur a departmental promotion committee was constituted to carry on trade test for the Fitter Mazdoors in Category I to judge their suitability for promotion to Category II as Fitter helpers. The departmental promotion Committee interviewed the workmen and held practical test regarding identification of spare parts, elementary fittings and uses of tools etc. and submitted a report dated 10.5.82. On the basis of the said recommendation the matter was examined by the competent authority by order dated 11.8.82. The concerned workmen namely S|Shree Chetlal Bhuiya, Taz Mohammad and Bindeshwari Shaw were promoted along with other to Category II. One of the concerned workman namely Shri Ram Rup Nunia did not appear before the departmental promotion committee and as such his case was not considered for promotion. According to the management a Category I worker must pass the trade test before he is placed in Category-I performing the duties of mazdoors. It is further submitted on behalf of the management that the concerned workman are working in automobile workshop and they are not the employees of any mines and as such the present dispute is outside the jurisdiction of the Industrial Tribunal. 3 of the concerned workmen were promoted to the post of helpers from 11.8.82 and on subsequent dates and till they were promoted as helper in Category II, they were in Category-I performing the duties of mazdoors. The claim of the concerned workman for category II wages from the date of their postings at Central Automobile Workshop is not maintainable. The management has paid legitimate dues to the concerned work-

men and it is prayed on behalf of the management to hold that the concerned workman are not entitled to any relief.

3. The case of the concerned workmen is that they were appointed as permanent workmen. Shri Ram Rup Nunia has been working as auto mechanic helper since 14.12.78, Shri Chetlal Bhuiyan is working as auto-electrician helper since 14.2.78, Shri Taz Mohammed is working as painter helper since 1.5.77 and Shri Bindeshwar Shaw is working as auto mechanic helper since 8.12.78. The concerned workmen were working in the job mentioned above since long to the satisfaction of the management and for doing the said job they are entitled to category II wages. Other workers of M/s. Bharat Coking Coal Ltd. are getting Cat. II wages for performing the aforesaid job. The concerned workmen were demanding proper categorisation and wages of Category-II since the date of resumption of their duties on the aforesaid jobs but the management did not allow their claim. The management is biased and prejudiced against the members of Bihar Colliery Kamgar Union and the concerned workmen being the members of the Bihar Colliery Kamgar Union have been victimised illegally and arbitrarily by keeping them in Category I. The concerned workmen through their union raised an industrial dispute before the RLC(C) Dhanbad which ended in failure and thereafter the present reference was made. The action of the management in not placing the concerned workmen in Category II and not paying them Category II wages from the dates of their resuming duties are illegal arbitrary and unjustified and against the principle of natural justice. Shri Ram Rup Nunia as auto-mechanic helper from 14.2.78, Shri Chetlal Bhuiya as auto electrician helper from 1.5.77, Shri Taz Mohammad as painter helper since 1.5.77 and Shri Bindeshwari Shaw as auto-mechanic helper since 8.12.78 were working and they were performing the said job continuously. The helpers are in Category II, the management instead of regularising the concerned workmen from the dates to their actual working just issued pre-determined motivated order during the pendency of the adjudication promoting the concerned workmen to Category II. On the above facts it is submitted on behalf of the workmen that an Award be passed in favour of the workmen directing the management to place them in Category II with retrospective effect with all consequential benefits.

4. The only point for consideration is whether the concerned workmen are entitled to be placed in Category II and are entitled to the wages of Category II as per nature of job being performed by them.

5. The workmen have examined two witnesses in support of their case. The management did not examine any witness but produced some documents.

6. WW-1 Taz Mohammed Ansari is one of the concerned workman who has come to support his case and the case of the concerned workman. He has stated that he is working regularly as Painter helper in Godhur Automobile Workshop since 1977 but the management started giving him wages of Category II of Painter helper since 11.8.82 and that prior to 11-8-82 the management gave him wages of Category I. He claims wages of Category II since May, 1977. It will appear from his evidence in cross-examination that he

was appointed as Surface Mazdoor in Category-I and that he got letter of promotion in Category II as helper in the year 1982. He has stated that he objected to the date of promotion. He has denied that he worked as surface mazdoor carrying the duties of general mazdoor prior to his promotion. WW-2 Shri Smta Rewani working as Painter in Central Automobile Workshop, Godhur has come to support the case of the concerned workmen. He has stated that since 1976 he was working as Painter in the Central Automobile Workshop, Godhur and that Taz Mohammad was working under him as painter helper since May, 1977 continuously. He has further stated that Taz Mohammad had not worked in any other capacity except that of painter helper. It will appear from his cross-examination that WW-2 was provided with helpers from time to time and that one of the helpers working under him is in Category I and that the two other helpers are in Category II. It is suggested in the cross-examination that he had deposed falsely as Taz Mohammad used to work under him and had friendship with him. From the evidence of the two witnesses it will appear that Taz Mohammad was first appointed as surface mazdoor in Category I and was promoted in Category II as helper in the year 1982. The question is whether he was working as helper prior to his promotion in Category II. It will appear from the report of the Central Wage Board of the Coal Mining Industries Vol. II at page-41 that a job of Fitter mazdoor is of Category I (unskilled).

In Sl. No. 3 at page 41 the job description of Fitter is that of a workman who accompanies a Fitter|Electrician|Carpenter etc. and carries tools or materials. The said job is unskilled. At page-41 item No. 22 of volume II of the Wage Board recommendation will show that a Fitter helper who is a semi-skilled (lower) and is placed in Category II and his job description is that of a man who has gained some experience as Fitter mazdoor and has improved his status by practice until he can do elementary fitting work. He may be a mechanical or electrical helper as the case may be. It will thus appear that a workman cannot directly appointed as Fitter helper unless he has gained some experience as Fitter mazdoor and has improved his status by practice until he can do elementary fittings work.

Admittedly the workmen were appointed as surface mazdoor in Category I. It is admitted by the parties that the concerned workmen were posted in the Central Automobile Workshop at Godhur sometime after their appointment as General Mazdoor. It appears from the admitted case of the parties that Taz Mohammad Ansari, Ram Rup Nunia, Chetlal Bhuiyan and Bindeshwari Shaw were posted at the Central Automobile Workshop at Godhur on 1.5.77, 14.2.78, and 9.12.75 respectively and it appears that the concerned workmen are claiming Category II and its wages since the date they are posted at the Central Automobile Workshop at Godhur. I have noted above the extracts from the Central Wage Board Recommendation from which it will appear that a fitter mazdoor can be promoted as fitter helper only after he has gained some experience as fitter mazdoor and has improved his status by practice until he can do elementary fitting work. The concerned workmen were posted for the first time as fitter mazdoor in the Central Automobile Workshop at Godhur on the dates ad-

mitted by the parties and as such they were working as Fitter mazdoor from the above dates. In order to claim to be promoted in Category II they have to fulfil the requirement for promotion as fitter helpers. It was only after the concerned workmen who are appointed as Fitter mazdoor in the Central Automobile Workshop in Godhur that they started working as fitter mazdoors before that they were working as general mazdoors. It was only after they were posted as fitter mazdoor at Central Automobile Workshop at Godhur that they had the opportunity to gain experience as fitter mazdoor and to improve their status by practice to do elementary fittings work. Thus the concerned workmen cannot be said to be working in Category II as fitter helper since the date of their posting at the Central Automobile Workshop at Godhur.

7. It is stated in the W.S. of the management that before claiming the designation of the Fitter helper and demanding Category II wages, General mazdoors and fitter mazdoors must possess the requisite knowledge and experience and further there must exist vacancies for these posts and also they must have gained some experience as Fitter mazdoor and have improved their status by practice until they can do elementary fitting work. These facts in the W.S. appear to be in consonance with the categorisation made in the Central Wage Board Recommendation and their job description. Admitted by the three of the concerned workmen were promoted to Category-II to work as helpers and were getting wages of Category-II since 1982. It will appear from the W.S. of the management that departmental promotion committee interviewed the workmen and held practical test and thereafter by the Order dated 11-8-82 promoted the concerned workmen S| Shree Chetlal Bhuiyan, Taz Mohammad Ansari and Bindeshwari Shaw as in Category II and that the other concerned workman Shri Ram Rup Nunia was not promoted as he did not appear before the departmental promotion committee. The management has produced the papers relating to the promotion policy which deals with the eligibility norms and channel of promotion.

They have also produced the trade test for workers of Central Automobile Workshop, Godhur for considering their promotion to next higher Category dated 6-7-1979 in order to show the genuine proceeding of the promotion committee which had promoted three of the concerned workmen and had refused to promote Shri Ram Rup Nunia.

8. It appears that the management while considering the promotion of the concerned workmen to Category I a trade test was made in order to see that the concerned workmen who were Fitter Mazdoors could be promoted to Category II as Fitter helper and to see whether they had gained experience as the Fitter Mazdoor and had improved their status by practice and could do elementary fitting work.

9. As discussed above it will appear that as the concerned workmen were posted to the Central Automobile Workshop, Godhur from the date as stated in para 2 of the V.S. filed on behalf of the management, they could not have gained experience as Fitter Mazdoor to be promoted to the post of Fitter helper from the said date. It was only after their posting at the

Central Automobile workshop at Godhur that the concerned workmen gained experience after working for sometime that they could be promoted as Fitter helper in Category-II. It is clear, therefore, that the concerned workman could not have worked as Fitter helper in Category-II since the date of their posting at the Central Automobile Workshop at Godhur and their claim in that respect cannot be sustained. It appears from the case of the management that after the posting of the concerned workmen at the Central Automobile Workshop, Godhur the concerned workmen gained experience while working as Fitter Mazdoor and thereafter their cases were considered for promotion as Fitter helper after holding a trade test and that thereafter the concerned workmen S|Shree Taz Mohammad Ansari, Chhetlal Bhuiyan and Bindeshwari Shaw were promoted to Category-II as Fitter Helper in the year 1982.

10. Although WW-1 has stated that he was regularly working as Painter helper since 1977 and that WW-2 stated that Taz Mohammad was working under him as Painter helper since May, 1977, they have not actually stated as to what were the specific work being done by the concerned workman so as to indicate that they were working as Fitter helper. The concerned workman no doubt was helping the Painter in his work but it could not be as Fitter helper but they were helping as Fitter Mazdoor. The concerned workman had not gained the experience and qualification for promotion to the post of Fitter Helper from the date they were posted in the Central Automobile Workshop at Godhur.

11. In view of the facts, evidence and circumstances discussed above I hold that the concerned workman were not doing the job of Fitter helper since their posting in the Central Automobile workshop at Godhur and that S|Shree Taz Mohammad, Chhetlal Bhuiyan and Bindeshwari Shaw were not entitled to Category II and the wages of Category-II from the time they were promoted after holding the trade test and that as Shri Ram Rup Nunia had not appeared before the Departmental Promotion Committee he was not promoted to Category II and was not entitled to be placed in Category II. In view of the above the action of the management of Central Automobile Workshop of M/s. Bharat Coking Coal Limited, Godhur in not placing S|Shri Ram Rup Nunia, Chhetlal Bhuiyan, Taz Mohammad Ansari, Bindeshwari Shaw in category-II and not paying the wages of Category II prior to the promotion of S|Shri Chhetlal Bhuiyan, Taz Mohammad Ansari and Bindeshwari Shaw was justified and that the management was also justified in not placing Shri Ram Rup Nunia in Category-II along with other concerned workers. I, therefore, hold that in view of the fact that the action of the management in not placing them in Category II was justified the concerned workman are entitled to no relief. There will be no order for costs.

This is my Award.

I. N. SINHA, Presiding Officer
[No. I-20012(11)82-D-III(A)]

S.O. 1657.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following

award of the Central Industrial Tribunal No 2, Dhanbad in the Industrial dispute between the employers in relation to the management of Harijan Colliery of Messrs Eastern Coalfields Limited, Post Office Mugma, District Dhanbad and their workman, which was received by the Central Government on the 24th April, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD PRESENT :

Shri J.N. Sinha, Presiding Officer.

Reference No. 40 of 1982

In the matter of an industrial dispute under S.10(1)
(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Harijan Colliery of Messrs Eastern Coalfields Limited, Post Office Mugma, District Dhanbad and their workman.

APPEARANCES :

On behalf of the employers . Shri R.S.Murthy, Advocate.

On behalf of the workman : None.

STATE : BIHAR. INDUSTRY : COAL.

Dhanbad, 18th April, 1984

AWARD

The Government of India in the Ministry of Labour, in exercise of the powers conferred on them under section 19 (1)(d) of I.D.Act., 1947 has referred the following dispute to this Tribunal for adjudication under Order No.L—20012(419)81-D.III(A) dated the 23rd April, 1982.

SCHEDULE

“Whether the action of the management of Harijan Colliery of Messrs Eastern Coalfields Limited, (Nirsa Area), Dhanbad in stopping Shri Okil Singh, Overburden Removel worker from work with effect from September, 1977 is justified ? If not, to what relief is the workman concerned entitled ?”

The case of the management is that there is no union named Chhotanagpur Mazdoor Union functioning at Shastri Nagar, Dhanbad or in the establishment of Harijan Colliery of M/s. Eastern Coalfields Limited and as such the said union has no locus standi to raise any industrial dispute in respect of the concerned workman. The management of Harijan Colliery did not ever stop the concerned workman, Shri Okil Singh from work from September, 1977 or at any time and as such the reference as framed cannot be sustained the dispute is stale in as much the dispute was raised for the first time sometime in 1981 whereas the alleged stoppage of work was in 1977. No reason has been assigned as to why there has been so much delay in raising of the dispute. Such

stale dispute should not be encouraged, specially, when no explanation has been given as to why the delay took place.

The case of the management, further, is that Shri Okil Singh started working as Causal Over burden remover from May, 1977. He became traceless from 17-9-1977 without any information or leave. He had thus put in attendance of 82 days only. The concerned workman never informed the management of his whereabouts during period of his unauthorised absence and as his appointment was purely of casual nature deploying him in over burden if and when required, no disciplinary action was considered necessary for such unauthorised absence. Even if assuming that the concerned workman by working for 82 days had acquired some sort of right as casual over burden remover worker, the fact that he absented himself without leave or permission constituted gross misconduct and so the concerned workman has no cause.

The case of the workman is that he had been working as over burden remover in Harijam Colliery since before the taking over of the Coal Mines. He was a permanent worker of Harijam Colliery and even after nationalisation continued to be the same. After nationalisation of the Coal mines, the concerned workman worked continuously without any break for a period over 5 years but all of a sudden he was stopped from his work w.e.f. 17-9-77 and was forcibly kept idle without assigning any reason. No prior notice was given to him either U.S.9A or U.S. 25F of the I.D. Act., 1947. There was neither any charge of misconduct nor any departmental enquiry held against the concerned workman before his stoppage from work other workmen are performing the same nature of job as was being performed by the concerned workman even after 17-9-77 but the concerned workman was kept out of employment. The concerned workman requested the management several times for allowing him to resume his duties but the management refused to do any justice. Ultimately the concerned workman approached the Chhotanagpur Mazdoor Union and his grievances were raised as an industrial dispute. The management refrained from sending any reply before the ALC(C). The action of the management was illegal, arbitrary, null and void for non-compliance of Section 9A and 25F of the I.D. Act., 1947. The concerned workman is entitled to be reinstated in his service retrospectively w.e.f. 17-9-77 with full back wages.

In spite of notice to be Joint General Secretary, Chotanagpur Mazdoor Union and the Advocate representing the concerned workman, the concerned workman did not turn up at the time of hearing, and as such the case was taken up ex parte against the concerned workman.

The only question to be determined is whether the stoppage of Shri Okil Singh from work was justified?

The management has examined one witness in support of the case of the management. MW-1 Shri Madan Lal Bhupal is an Asstt. Manager in Harijam Colliery of M/S. Eastern Coalfields Limited since 1961. He has stated that he knows the concerned workman. He has stated that the concerned workman was appointed in Harijam Colliery in May, 1977

as casual over burden remover and that as a casual worker he was not entitled to get duty every day and he was given duty when available. He has further stated that the concerned workman worked till September 1977 and that thereafter the concerned workman did not file any application for his absence. He has denied that the concerned workman was employed since before the nationalisation of the Coal Mines. According to him Chhotanagpur Mazdoor Union ever existed in Eastern Coalfield Limited. It will thus appear from the evidence of MW-1 that the concerned workman was a casual over burden remover and had admittedly worked till 16-9-77. It is also clear from the evidence of MW-1 that the concerned workman did not turn up from 17-9-77 and that he absented himself without filing any application for his absence. The case of the management is that the management did not stop the work of the concerned workman but the concerned workman had absented himself. In view of the fact that the concerned workman was a casual over burden remover and had absented himself, the management did not pass any order stopping the concerned workman from work.

It will appear that the concerned workman did not work from 17-9-77 but the present dispute was raised in the year 1981. No explanation has been given as to why the dispute was raised after such a long time. Although there is no limitation prescribed for raising any industrial dispute, a state industrial dispute has always been discouraged specially when no reason has been assigned for raising the dispute after such a long-time of about 4 years. This fact would indicate that the concerned workman had left the work himself and was sleeping for a long time and tried to raise an industrial dispute in the year 1981 after a long delay. Such type of delay cannot be encouraged and on account of delay alone the reference is fit to be decided against the concerned workman.

On the merit as well it will appear that as the concerned workman had left the work himself and the management had not stopped him from work, I am of the opinion that the concerned workman can have no relief. From the schedule of the reference it will appear that this Tribunal has been asked to decide whether the action of the management of Harijam Colliery in stopping the concerned workman Shri Okil Singh from work w.e.f. September, 1977 is justified. But the schedule of reference as framed is not in accordance with the facts of the case in as much as the concerned workman had not been stopped from work but he himself had left the work without permission and without assigning any reason. In view of the above the Award cannot be made in favour of the workman and the concerned workman cannot be held to be entitled to any relief and the Award is accordingly passed.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012 (419)81-D.III(A)]

New Delhi, 2nd May, 1984

S.O. 1658.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to management of Tetturiya Colliery in Govindpur Area No. III of Messrs

Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad and their workmen, which was received by the Central Government on the 24th April, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD
Reference No. 101 of 1982

In the matter of an industrial dispute under S. 10 (1) (d) of the I. D. Act., 1947.

PARTIES : Employers in relation to the management of Tetturiya Colliery in Govindpur Area No. III of Messrs. Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers : Shri B. Joshi, Advocate.

On behalf of the workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar. **INDUSTRY :** Coal.

Dhanbad, 17th April, 1984.

AWARD

The Government of India in the Ministry of Labour, in exercise of the powers conferred on them under section 10 (1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-20012 (139)/82-D. III(A), dated the 14th September, 1982.

SCHEDULE

"Whether the demand of the workmen of Tetturiya Colliery in Govindpur Area No. III of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad for reinstatement of Sarvashri Sarju Kole, Ramal Kole, Bishnu Kole, Karoo Kole and Lallu Manjhi is justified ? If so, to what relief are the workmen concerned entitled?"

The dispute has been settled out of the Court and a Memorandum of Settlement dated 24-2-84 has been filed in the Court bearing the signature of the General Manager and Personnel Manager on behalf of the management Shri R. N. Singh Vice President, Bihar Colliery Kamgar Union along with the L. I. Ts. of the concerned workmen. I have gone through the terms of settlement and I find them quite fair and reasonable. I do not find any reason why an Award be not made in terms and conditions laid down in the memorandum of settlement. The memorandum of settlement is accepted and I make an Award in terms of the settlement. The memorandum of settlement will form part as an Annexure of the Award.

I. N. SINHA, Presiding Officer
[No. L-20012/139/82-D. III(A)]

A. V. S. SARMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

NO. II AT DHANBAD.

Reference No. 101/82

Employers in relation to the management of Govindpur Area No. III,

And

Their workmen.

Petition of Compromise

The humble petition on behalf of the parties above named most respectfully sheweth :—

1. That the Central Government by notification No. L-20012(139)/82-D-III(A) dated 14th Sept. 1982 has been pleased to refer the present case to this Hon'ble Tribunal for adjudication on the issue contained in the Schedule which is reproduced below :—

SCHEDULE

"Whether the demand of the workmen of Tetturiya Colliery in Govindpur Area No. III of Messrs Bharat Coking Coal Limited, Post Office Sonardih,

District Dhanbad for reinstatement of Sarvashri Sarju Kole, Ramal Kole, Bishnu Kole, Karoo Kole and Lallu Manjhi, is justified ? If so, to what relief are the workmen concerned entitled?"

2. That the parties have agreed to settle the dispute on the following terms :—

The Terms of Settlement

- That the management agrees to re-employ the concerned workmen namely S/Sri Sarju Kole, Ram Lal Kole, Bishnu Kole, Karoo Kole and Latoo Manjhi as "Badli" Mines/Loader as they have lost their lien on their employment because of long overstay at their homes without permission or authorised leave.
- That the concerned workmen as well as the union on their behalf will not claim any other benefit from the management.
- The concerned workmen agree to produce certificates from the Mukhiya & the B. D. O. to prove their genuinity or they must produce original documents in support of their genuinity.
- The concerned workmen should report for duties within 30 days from the date of this settlement failing which they will not be employed under the management in future.
- The concerned workmen will join his duty at Tetturiya Colliery thereafter he will be transferred to South Govindpur Colliery.

3. That in view of the aforesaid settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to hold the terms of settlement fair and proper and be placed to pass the Award in terms of the settlement.

FOR THE WORKMEN

(R. N. SINGH)
Vice President B. C. K. U.

FOR THE EMPLOYERS

(Y. P. HANDA)
General Manager
(R. MOHAN)
Personnel Manager

DECLARATION

We, the concerned workmen do hereby declare that the terms of the settlement were explained to us in Hindi and we have fully understood the same. We put below our L. T. I.'s in token of acceptance of the terms of settlement in the presence of witnesses.

Witnesses

- L. T. I. of Sri
(Sarju Kole)
- L. T. I. of Sri
(Ramlal Kole)
- L. T. I. of Sri
(Bishnu Kole)
- L. T. I. of Sri
(Laloo Manjhi)
- L. T. I. of Sri
(Karoo Kole)

New Delhi, the 27th April, 1984

S.O. 1659.—In pursuance of section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. II, Bombay in the industrial dispute between the employers in relation to Shri Conceicao Pereira, owner of Launch "Joseph Anselmo", Goa and their workmen, which was received by the Central Government on the 24th April, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/29 of 1982

PARTIES.

Employers in relation to Shri Conceicao Pereira,
Owner of Launch "Joseph Anselmo".

And

Their Workman.

APPEARANCES :

For the Employers—No appearances.

For the workman—No appearance.

INDUSTRY : Ports and Docks.

STATE . Goa, Daman and Diu.

Bombay, dated the 9th April, 1984

AWARD PART II (After setting aside the ex parte award)

By their order No. L-36012/1/82-D.IV(A) dated 21-5-1982 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

"Whether the action of Shri Conceicao Pereira, owner of Launch "Joseph Anselmo" in terminating services of Shri Chudge Krishna Gaonkar, Launch crew, is justified? If not, to what, relief is the concerned workman entitled?"

2. The contention of the workman as seen from claim statement is that he who was in the service of the Opponent continuously for more than five years, was cashiered in the month of November, 1981 in violation of Section 25F of the Industrial Disputes Act without payment compensation or notice pay. The workman also says that on various grounds the workman is entitled to get Rs. 1026.00, which he also claims under the present reference.

3. On appearance of the employer the jurisdiction of this Tribunal to entertain the reference was challenged which matter was decided and Award Part I was passed thereby the objections were rejected.

4. Thereafter though the matter was fixed neither the employer has filed any written statement nor has he appeared in the proceeding as a result of which the matter has to be decided ex-parte.

5. In support of his claim the workman has filed affidavit thereby he says that he has put in continuous service of five years from 1976 to 1981 on monthly wages of Rs. 350/- He has also proved the other dues as claimed by him. Since the workman was in the service of the employer for five years continuously as proved his services could not have been terminated legally unless compensation and notice pay as stipulated under Section 25F of the Act was

paid or validly tendered which the employer is proved to have not done. The termination, therefore, is per se bad and therefore the workman shall be entitled to wages till the date of disposal of the reference. In the statement of claim the workman claimed reinstatement but not so in the affidavit. Reinstatement is the normal rule but no reinstatement is demanded in the affidavit because in all probability the workman being in service somewhere else and therefore he shall be entitled to wages from the date of removal till the date of decision of this reference and relief is ordered accordingly. The workman besides claims an amount of Rs. 1026.00, which is payable to him. He shall be entitled to arrears of wages at the rate of Rs. 350 per month from Decembe. 1981 till the date of award, besides the retrenchment compensation equivalent to 15 days wages for every completed year of service that is in all 2-1/2 months and one month's wages as notice pay.

No reinstatement is ordered in lieu of relief granted.

No order as to costs.

M. A. DESHPANDE, Presiding Officer

[No. L-36012/1/82-D. IV(A)]

S. S. PRASHER, Desk Officer

New Delhi, the 27th April, 1984.

S.O. 1660.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Chandigarh in the industrial dispute between the employers in relation to the State Bank of India, Chandigarh and their workmen, which was received by the Central Government on 21-4-84.

BEFORE SHRI I.P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL,

CHANDIGARH.

Case No. I.D. 136/83

PARTIES

Employers in relation to the management of State Bank of India.

AND

Their Workman-Shamsher Singh.

APPEARANCES:

For the Employers:—Sh. V.K. Gupta.

For the Workman: —Sh. J.G. Verma.

INDUSTRY—Banking

State—Punjab

AWARD

Dated, the 17th April, 1984

The Central Govt. Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the Industrial Disputes Act 1947, hereinafter referred to as the Act, vide their Order No. L-12012/120/83-D. II (A) dated the 24th of August, 1983 referred the following Industrial dispute to this Tribunal for adjudication:—

"Whether the action of the managemen of State Bank of India, Region II, Chandigarh in relation to their

Gurdaspur Branch in dismissing Shri Shamsher Singh, Record Keeper from service under order dated 17-11-81, is justified? If not be what relief is the workmen concerned entitled?".

2. To trace a short history of the matter, the petitioner workman was appointed as a Messenger at Muktsar Branch of the Resptd. Bank on 11-2-59 and, on promotion as a Record Keeper, posted at Gurdaspur Branch w.e.f. 27-1-1970. However, he was placed under suspension on 3-4-1979 and served with a change sheet on 16-8-79 in the following terms.

(1) That you were being deputed to take delivery of Bank's stationery from Transport Co. The octroi paid by the transporters at the time of entry of the truck was included in their bills issued to you by the transport Co. The relative octroi receipts evidencing payment of octroi charged by them on the various dates were also delivered to you by them. You have charged the Bank with double the amount of the octroi charges viz. On the strength of the bill of the transport Co. (including the octroi charges) and the relative octroi receipts. Besides, in certain cases you got Cartage charges for bringing stationery boxes to Branch through transport Co.'s labourers whose charges are also included in the bill of the Co. and also charged by you separately. A statement of such instances is enclosed for your information.

It thus indicates that you have defrauded the Bank.

(2) That you have not paid to the transport Co. Rs. 45/- end Cartage charges Rs. 10/- to one Shri Parkash Chand, Cart-Owner, whereas you have got full payment from the Bank of all expenses connected with the delivery of the goods from the Transport Co. on the strength of the bills/receipts submitted by you to the Bank on which payment has been obtained by you. You have thus defrauded the Bank.

(3) That you have borrowed a sum of Rs. 6,000/- (rupees six thousand) from Sarvshri Surjit Singh, Nirmal Singh and Baljit Singh son of Sardar Bur Singh of Village Mann Kaur Singh as evidenced by the prohote dated 24-6-1978 made by you in their favour, and thereby violated the conduct of rules.

(4) That you have raised loans from various Co-operative and Threft Societies, Monthly instalments being deducted from you salary towards repayment of these loans exceed the 25 percent of your gross monthly employments".

3. For the obvious reasons the petitioner denied the charges and pleaded innocence. Middle Management Officer III Sh. K.C Sharma was appointed as the Enquiry Officer; on completion of his proceedings he exonerated the petitioner of the allegations contained in the Charges No. 1 and 2, but on holding him guilty on the remaining two Heads, Shri Sharma submitted his report to the Disciplinary Authority constituted by the then Regional Manager Region II who, after re-examining the same, differed with his findings on the first charge and held the petitioner guilty on that count also. Accordingly, a show cause notice, proposing the sentence of dismissal, was served on the petitioner/Workman. In this reply the latter reiterated his innocence but, all the same, prayed for mercy on the ground of compassion originating in poor education and family circumstances. However, the Management took a serious view of the matter and thus terminated his services under the impugned order dated 17-11-1981. Since the Service appeal also failed to evoke any constructive response from the Appellate Authority, therefore the petitioner raised an Industrial Dispute which could not be settled despite the intervention of A.L.C (C) in the Conciliation proceedings, and, hence the Reference.

4. According to the petitioner/workman the action of the Disciplinary Authority in reversing the finding of the Enquiry Officer on charge No. 1 as well as affirmation of findings Charges No. 3 & 4, was illegal, unjustified and violative of the principles of natural justice; more so because he did not take an independent decision but was guided by the views of the higher authorities and otherwise also there was lack of proper appreciation of the evidence

led by the parties He, therefore, prayed for quashing the impugned Termination with full back wages.

5. Resisting the claim on all counts, the respondent Management questioned the jurisdiction of the Tribunal to go behind the findings of the domestic Forum and denied that there was any violation of the principles of natural justice. It was averred that the Enquiry proceedings were fairly conducted and the workman was given full opportunity to rebut the precise charges levelled against him. Similarly it was also denied that there was any outside influence on the Enquiry Officer of the Disciplinary Authority telling upon their conclusions. However, previous conduct and antecedents of the petitioner were not questioned but it was propounded that the nature of charges established against him, in the departmental proceedings, seriously jeopardized his claim of diligence and honesty.

6. The parties were taken to trial on the following issues framed over and above the terms of Reference.

1. Whether the Tribunal has no jurisdiction to adjudicate on the Reference? O.P.R.
2. Whether the Reference is not maintainable as alleged? O.P.R.
3. Relief.

7. When called upon to adduce evidence, both the parties preferred to rely on the admitted documents consisting of the departmental proceedings and correspondence which I have carefully scrutinised and heard them in the light thereof. My issue wise discussion and findings are as follows.

Issues No. 1 & 2

8. In all fairness to them, the Management did not press their preliminary objection giving rise to these issues though, even otherwise also, the point dismissal of a workman on account of an adverse finding in the departmental proceedings squarely falls within the ambit of an "industrial dispute" defined by section 2(k) of the Act and can be a legitimate subject matter of Reference by the Appropriate Govt. within the purview of Section 10 of the Act. The safety value is not a Tribunal will not arrogate to itself the powers of an Appellate Court over the findings recorded in the domestic forum. To put it in other words, even though the Tribunal is empowered to examine the propriety, validity and legality of the procedure and findings of the departmental authorities, yet it is expected to refrain from a critical reappraisal of the evidence; and when a given set of circumstances admits of two equally reasonable interpretations, one drawn by them would be acceptable to the Tribunal. Of course if a particular finding is based on extraneous considerations or is not supported by any legal evidence then the Tribunal will not shirk its responsibility in rectifying the mistake.

9. Be that as it may, since there is no infirmity in the form, manner or validity of the Reference, therefore, I answer both these issues against the Management.

Issue No. 3.

Terms of Reference and Relief.

10. In all fairness to him the Workman's representative Shri Verma plainly conceded that there was nothing wrong with the propriety of the Domestic enquiry. As a matter of fact, the admission was made at quite an early stage when the parties were asked to lead their evidence and it was in the light thereof, that both of them felt contended with the production of someadmitted documents. All the same the statement of Shri Verma was taken down on the Tribunal's records on 8-11-83.

11. The dispute thus boils down to the narrow gap as to whether or not the Disciplinary Authority was justified in reversing the finding of the Enquiry Officer on Charge No. 1? And in the totality of the circumstances I have no hesitation in sustaining in the Management's view point, because to me it appears that the Enquiry Officer was swayed by certain cuttings and interpolations in the relevant vouchers and receipts, to feel that the Management should have examined the concerned Transport Co. Official.

The Disciplinary Authority took a robust view of the matter that since the Workman had already claimed the octroi amount of Rs. 3.08 in one case and Rs. 560 in the other case by incorporating the same in his relevant T.A. Bills; therefore, there was no justification for him to re-claim the same very amount on the strength of octroi receipts. It is thus, apparent, that the logic of the Disciplinary Authority was quite reasonable, convincing and legitimate. Obviously it requires to be preferred over the views of the Enquiry Officer who erred in falling into the web of legal technicalities.

12. It goes without saying that the petitioner Workman did not come forward with any plausible explanation for the double drawal of the aforesaid octroi amounts from the Bank. His contention that it was a bonafide mistake on account of his poor education does not hold water in view of the admitted proposition that he was serving the Bank for the last about 18 years and, as such, should have been well conversant with the implications of monetary defections by way of double claims.

13. Regarding the Charges No. 3 and 4 even in the petitioner's own reply to the Charge sheet there was no specific denial thereof, though it is an entirely different thing that they did not cast any serious reflection on his conduct and discharge of duties towards his Employer-Bank.

14. However on behalf of the Workman a passionate appeal was made on the point of sentence. It was submitted that according to the common case of the parties, he was faithfully serving the Resptd. Bank ever since he joined their services in early 1959; that till the date of occurrence, which related to mid. 1975; there had been no complaint what so ever against his work and conduct. So much so that even his subsequent behaviour had also been up to the complete satisfaction of the Management and that the lapse pertaining to the double claim of octroi involved a total amount of 'little more than Rs.8/- only, Which, too, could be due to his poor educational environments; after all he was not even a Matriculate. It was urged that 'mens rea' is the gist of such offences and in this case even though the petitioner had been held guilty in the Departmental Enquiry, yet one can not lose sight of the fact that during his almost two decades of service with the respondent Bank he had numerous occasions to deal with considerably large amounts of cash and costly property; but was never found wanting in maintaining the traditional values. In short, it was urged that one simple lasso on the part of the petitioner regarding a trivial amount of less than nine rupees should not be viewed so seriously as to invite the extreme penalty of dismissal.

15. On the other hand the learned representative of the Management was quite vehement in his urge to support the imposed order of Termination because according to him, one's honesty in handling the cash amount is one of the basic requirements of an employee working in the Banking Industry and once one's integrity & honesty comes under cloud he becomes a security risk for the Bank; more so in a case of the instant nature where the petitioner's dishonesty was writ large in the submission of his double claim of the octroi-duty. It was pronounced that the amount of misappropriation is an irrelevant factor for determining the gravity of the offence.

16. In my considered opinion the judicious approach calls for striking a balance between the two extreme views. In so far as the guilt of the petitioner is concerned, the same stands proved as discussed herein before; and that directly confronts us with the question of sentence. Of late there has been a reconsideration of the punitive theory. So much so that even those prosecuted in regular criminal courts and held guilty of serious offences against person or property are treated with a view to reform them into law abiding citizens, as should be reflected by the legislative mandate of Section 360 Cr. P.C. and the various provisions of Probation of Offenders Act 1958. Of course, I am not sitting as a Court of criminal law but all the same I can not shirk my responsibility as a judicial functionary constituted under a beneficial legislation qua the Workman. In the very nature of things judicial temperament has got

much more components than a sheer sense of indignation against the stink of social devaluation including the crime particular when the deviation is a stray incident.

17. In the case in hand, the petitioner is a petty Workman who had about two decades of unblemished service to his credit till he was involved in the incident of double claim of octroi duty which itself was so trivial an amount that it did not touch even the double figures. Of course his Service Appeal for a lenient view had also failed to find favour with the Management but then there is a material piece of document on records to show that there was no dearth of right thinking element and an inclination to take a charitable view of the situation. For ready reference D.O. letter Ex. T 1. dated 7-6-1981 (No. DAC/19) addressed by the then General Manager (Operation) Shri A.K. Bhattacharji to Shri B.O. Pandey Addl. Chief Officer (Ope) may be quoted with pertinence. It goes without saying that the former was moved by the poor domestic circumstances of the petitioner since he had to maintain a large family including two marriageable daughters. Shri Bhattacharji recommended that the petitioner may be let off with the loss of four increments. It rather goes to the credit of the Disciplinary Authority that he acted independently in ignoring the advice of Shri Bhattacharji. But all the same, the significance of letter's humane approach can not be lost sight of.

18. On an over all view of the situation I, therefore, feel that any punishment, short of dismissal, would suffice to meet the end of justice because by throwing the petitioner out on the road we would be causing an irreparable loss to an invisible party also; viz; his family including two marriageable daughters. Accordingly, I set aside the order of dismissal and in its place propose the following punishment.

(1) The petitioner would lose upto date graded increments right from the stage of its suspension.

(2) He would also lose his upto date back wages including Bonus and such other incidental benefits.

Proviso:—

Not with standing anything to the contrary contained herein before, there would be no break in the petitioner's service in the technical sense of it so as to effect his pension or Gratuity etc.

19. Thus to sum up my aforesaid discussion, while sustaining the Management's version regarding the petitioner's guilt in claiming the octroi re-imbursement twice on the same count, I modify the order of punishment in the light of my observation in the preceding para and return my Award accordingly.

CHANDIGARH.

17-4-1984.

I.P. VASISHTH, Presiding Officer

[No. L-12012/120/83-D.II(A)]

N.K. VERMA, Desk Officer

MINISTRY OF LABOUR REHABILITATION

(Department of Labour)

New Delhi, the 3rd May, 1984-

S.O. 166.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the State Bank of Bikaner and Jaipur, and their workmen which was received by the Central Government on the 28th April, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 137/81

Rajendra Prashad

Versus

State Bank of Bikaner and Jaipur. (Rajasthan)

PRESENT :

Rajendra Prashad workman.

AWARD

The Central Government Ministry of Labour, vide Order No. I-12012/208/74-D.II(A) dated 9-11-81 referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of State Bank of Bikaner and Jaipur, Jaipur in terminating the services of Shri Rajendra Prasad, Peon from 25-2-1978 is justified? If not, to what relief is the workman concerned entitled?"

2. Today the workman made an application for making a No Dispute Award. It was stated in the application as under :—

1. That the above case has been listed for 21st May, for evidence for workman.
2. That in the above case I have stated in my statement of claim, rejoinder as well as in my Affidavit to the reply filed by the Bank that I have completed 240 days of service in 12 calander months only during the year 1977 and that I had not completed 240 days of service in 12 calander months during any other period.
3. That the opposite party Bank refused the above contention and stated that I have not completed 240 days of service in 12 calander months even during the period of 1977.
4. That the non-petitioner Bank subsequently filed various documents to show that I merely worked in a casual capacity and that I had not completed 240 days of service within 12 calander months at any point of time.
5. That in the above circumstances I consider that no useful purpose will be serve in my pressing the claim against the Bank and therefore, I request the Hon'ble Tribunal to pass a "No Dispute Award" in the above case".

3. Under the circumstances, aforesaid, a 'No Dispute Award' is made.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

Dated : April 23, 1984.

O. P. SINGLA, Presiding Officer
[No. L-12012/208/79-D.II (A)]

N. K. VERMA, Desk Officer

मई विल्सनी, 13 फरवरी, 1984

का०आ० 1662—केन्द्रीय सरकार की राय है कि इससे उपायकृत अनुसूची में विभिन्न विषय के बारेमें पश्चिम रेलवे प्रगासन, झजमेर के प्रबंधक से सम्बद्ध एक औद्योगिक विवाद निवोजकों और उनके कर्मकारों के बीच विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद को स्थायमिर्णयन के लिए निर्वैशिष्ट्य करका बांधनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 को उप-व्यापा (1) के खंड (ष) द्वाया प्रदस्त गणितयों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करने हैं जिसके पांडावों गविनारों द्वा महेन्द्र भूषण शर्मी होंगे, जिनका मुख्यायम जयपुर में होगा और उक्त विवाद अधिकरण को स्थायमिर्णयन के लिए निर्वैशिष्ट्य करती है।

अनुसूची

'क्या रेलवे प्रगासन द्वारा और कोहरे बन्द को एच एस किटर रेड-1 के पद से रेड-2 के पद पर पदावन करने होताहों उसे स्थावरायिक परीक्षा में योग्य घोषित किया गया था, कि कार्यवाही स्थायोचित है? यदि नहीं, तो कर्मकार किस अनुत्तोष का हकदार है?

[सं. एन-41012/48/83-सी-2 (बी)]
टी० बी० सीतारामन, ईस्ट अधिकारी

ORDER

New Delhi, the 13th February, 1984

S.O. 1662.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Western Railway Administration, Ajmer and their workman in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) o sub-section (1) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the Railway Administration is justified in reverting Shri Fateh Chand from the post of HS Fitter Grade I to Gr. II although he was declared fit in trade test? If not to what relief the workman is entitled?"

[No. L-41012(48)/83-D.II(B)]
T. B. SITARAMAN, Desk Officer

New Delhi, the 3rd May, 1984

S.O. 1663.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the Government Opium and Alkaloid Works, Ghazipur and their workmen, which was received by the Central Government on the 19th April, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 11 of 1978

Workmen

Versus

Government Opium Factory, Ghazipur, U.P.

APPEARANCES :

Shri Bal Rup Sharma and Shri Raj Narain Arya—for the workmen.

Shri B. R. Gupta—for the management.

AWARD

The Central Government, Ministry of Labour, vide Order No. L-42011(12)77-D-II (B) dated 18th January, 1978 referred the following dispute to this tribunal for adjudication :—

"Whether the action of the management of the Government Opium and Alkaloid Works, Ghazipur in not paying the wages to the casual workers as fixed by the Third Pay Commission for the unskilled category with effect from 1-1-73 is justified. If not, to what relief are the concerned workers entitled?"

2. The claim statement had been filed by Bal Rup Sharma, President Opium Factory Labour Union Ghazipur on 2-3-78. It was pleaded that the Government Opium and Alkaloid Works, Ghazipur, Employers employed casual and seasonal workmen in two different seasons February-July and September-December every year and maintained seniority list of such workmen. The number was 193 in 1974 and increased to about 315 during 1975-77. It was asserted that duties performed by seasonal and casual workers were the same and that the casual/seasonal workers came in employment in different years from 1951 onwards.

3. It was pleaded that casual/seasonal workers have been getting wages on the principle of equal work equal wages till February 27, 1967 and, thereafter, the casual workers were reduced to emoluments of Rs. 70 per mensem because the D.A. was stopped w.e.f. 28-2-67. The wages increased gradually to Rs. 150 in stages w.e.f. 1967 to 1978.

4. The casual workmen claim about the reduction in their wages being unjust and arbitrary.

5. The workmen had been agitating for restoration of wages and the Government of India enforced the wages/salary of the workmen vide Extra-Ordinary Gazette Part II, Section 3 under Sub-section (1) dated 30-3-74 w.e.f. 1-1-73 purporting to act on recommendation of Third Pay Commission.

6. The management declared 92 casual workmen as Seasonal in 1977, but their nature of work remained the same, and these workmen were allowed Rs. 196 P.M. and also the Dearness Allowance, but the casual workmen were discriminated against and were paid much less, and were not paid any annual increment and were not paid Dearness Allowance allowed to Seasonal workmen.

7. The Casual Workmen demanded that the wages paid to them should be same as paid to unskilled workmen as per Government of India Order dated 30-3-74 w.e.f. 1-1-73 i.e. in scale Rs. 196-3-220-EB-3-232 and the usual D.A. and that arrears should be paid to them for the period 28-2-67 to 31-12-72 also.

8. The management of Government Opium and Alkaloid Works, Ghazipur, contested the claim. Preliminary objections were raised. The first was that the Opium Factory was not a 'legal Entity' and the petition was not maintainable. The Casual workers were not said to be the holder of Civil post and their petition do not lie. The Seasonal Workers were said to be different from Casual workers and the reference dealt with only Casual workers and the classification for payment was not made and no dispute could arise.

9. On facts it was pleaded that Seasonal Workers were employed for six months in a year in two spells and casual workers were employed as per requirement varying from time to time. A Casual Workers were said to be a workman whose employment was purely casual and they did not stand on the same footing as the regular workers in regard to responsibility etc.

10. It was further pleaded by the management that only Casual workers came in employment from 1951 onwards and Seasonal workers were employed after April, 1977 and the pay of the casual workers was being paid in accordance with G.O.F. No. 8(2) Estt. (Spl) 160 dated 24-1-1961.

11. Casual workers were said to be not governed by Gazette Notification dealing with enforcement of Third Pay

Commission Recommendations. The notification related only to regular employees of the government and not to the Casual Labourers. 100 posts of Seasonal Workers were sanctioned with usual allowance in the scale of Rs. 196-232, and the Seasonal workers were being paid accordingly. The order of the Government could not be challenged and Casual Workers were being paid in accordance with the existing Government orders latest of which are F. No. III (4)/Accts/72 dated 28-8-74.

12. The management's action was said to be legal and justified and the demand of the Union unwarranted, unjustified, illegal and not genuine.

13. The following issues were set up by my ld. predecessor ;

Issues : As in order of reference.

14. The preliminary issues seem to have not been pressed before him. The affidavits for the parties have been taken on record as also the documents filed by the parties and I have heard the representative of the parties.

15. It may, at once, be stated that the Third Pay Commission did not deal with the case of Casual Labour and Part-time Employees, and the recommendation of Third Pay Commission, as such, do not apply to Casual Workmen in question. But the claim of the workmen is based on Social Justice and the principle of equal pay for equal work guaranteed to them under the Constitution of India. Article 14 and 16 thereof.

16. During arguments, the workmen-Union agreed that the Casual workman may not be entitled to a regular pay scale prescribed for unskilled workers in Seasonal employments at the lowest rung of the Cadre of public servants but they could not be paid less than the minimum emoluments of the unskilled workers in the regular cadre as Seasonal workmen.

17. The case of the management had been that they were being paid what was considered just and proper by the Government, and they could not claim equality or similarity with seasonal workers.

18. Rs. 196, with increments with D.A. varying from time to time, is the minimum wage of a regular unskilled workers in the government and also of the Seasonal worker in the Opium Factory. The question squarely put is whether these Seasonal workers are to be given that minimum wage or not.

19. There is no doubt that the classification of the workmen does not relate to the realities of situation. The number of posts sanctioned as for Seasonal workers out of Casual Labour functioning is arbitrary figure, and even the management could not make on distinction in evidence in the work done by the so called casual and seasonal workers.

20. The Supreme Court of India in Randhir Singh Vs. U.O.I. reported in AIR 1982 SC 879 ruled that equal pay for equal work must be read into Fundamental Rights as a matter of interpretation, and unequal pay for equal work was violative of articles 14 and 16 of the Constitution of India.

21. The casual workers have never drawn a regular scale and had never got increments in the manner of regular employees, and, in this case, it is not intended to give them a regular scale of pay. This is not for the reason that they do not do substantially the same type of work as the Seasonal workers do, but for the reason that they have never been brought on a regular scale of pay and the distinction between regular and Casual Labour need not be obliterated, but there is no justification whatsoever for not giving these Casual Labour the minimum of unskilled Seasonal Worker's wages with D.A. sanctioned from time to time. It appears me that the demand of the workmen to that extent is being unnecessarily objected to by the management of Government Opium Factory, Ghazipur, and there seems to be no justification whatsoever for not giving these workmen doing labour at the said factory minimum of Rs. 196 with D.A. sanctioned from time to time, since 1-1-73, not on the basis of Recommendation of the Third Pay Commission

but on the principle of social justice and fairness. There is much to be said for giving them a regular scale of pay as to the Seasonal workers, but that, at the moment, does not seem to be a necessary requirement of social justice.

22. The terms of reference do not allow this Tribunal to go to be the period before 1-1-73, because the recommendation of the Third Pay Commission operate from 1-1-73 and not from any earlier date.

23. Accordingly, the Government Opium Factory, Ghazipur, owned by the U.O.I., is directed to pay to Casual Labours @ Rs. 196 P.M., with D.A. sanctioned from time to time and they should be paid all the arrears to which they are entitled for the period beginning from 1-1-73. The award is made accordingly.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

O.P. SINGH, Presiding Officer
[No. L-42011/12/77-D.II (B)]
T. B. SITARAMAN, Under Secy.

आदेश

नई दिल्ली, 21 अप्रैल, 1984

का०आ० 1664—केन्द्रीय सरकार की राय है कि इससे उपायक अनुसूची में विनियोग विवर के बारे में परिवर्ती रेलवे प्रशासन, कोटा छिकीजन के प्रबन्ध तंत्र से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना चाहिए समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा-7 और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकारण गठित करती है जिसके प्रांताधीन अधिकारी श्री महेन्द्र भूषण शर्मा होंगे, जिनका मुख्यालय जप्तपुर में होगा और उक्त विवाद को उक्त अधिकारण को न्यायनिर्णय के लिए निर्देशित करती है।

अनुसूची

"क्या कोटा छिकीजन के रेलवे प्रशासन की समय-समय पर कृतिम सेवा विनियोग देने के इच्छादे से शर्वश्री (1) गज्जु पुत्र समपतिया (2) कान्ती पुत्र गिरज (3) शार्मिला पुत्र परमार्थी (4) किरणी पुत्र गुलाब और (5) मुन्ना पुत्र गंगर को सेवा कार्ड न दें। और (1) श्री मथाले पुत्र मूला (2) श्री मात्रे पुत्र प्यारे (3) रम्जों पुत्र समपतिया (4) श्री जगदीश पुत्र प्यारे मिह (5) श्री रामसिंह पुत्र ग्यारा (6) श्री चरण पुत्र ग्यारा (7) श्री गुनवत्तन पुत्र जलसार्वीन (8) श्री कल्ली पुत्र गिरज (9) श्री बसीर पुत्र भनहरी (10) भृंशी पुत्र गंगर (11) श्री शान मिल पुत्र परमार्थी (12) श्री किरणी पुत्र गुलाब को प्राधिकृत वेतन-मान देने से मना करते तथा उनकी सेवाएं प्रमाण करने की कार्यवाही न्यायोचित है? यदि मर्ही की वर्षीय विस अनुनोद के हफदार है?"

[सं०-ए०-41011/20/83-ई-2 (बी)]

टॉ. बी० सितारमन, अवर मंत्रिव

ORDER

New Delhi, the 21st April, 1984

S.O. 1664.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Western Railway Administration Kota Division and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitute an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of Railway Administration in relation to Kota Division in not providing the service cards to S/Shri 1. Rajje S/o Sampatia, 2. Kalli S/o Giraj, 3. Gyan Singh S/o Prasadi, 4. Kiori S/o Gulab, 5. Munshi son of Shanker, denying payment of authorised pay scales and discontinuing services of 1. Shri Mathalle S/o Moola, 2. Shri Matre S/o Pyare 3. Rajje S/o Sampatia, 4. Shri Jagdish S/o Pyar Singh 5. Shri Ram Singh S/o Gyasi 6. Shri Charan S/o Panja 7. Shri Gulbadan S/o Alladin 8. Shri Kalli S/o Girraj 9. Shri Basheer S/o Manheri 10. Mushi S/o Shanker 11. Shri Gyan Singh S/o Parasadi, 12. Shri Kiori S/o Gulab, from time to time with intention to put artificial break in service is justified? If not, to what relief the workmen are entitled?"

[No. L-41011(20)/83-D.II (B)]

T. B. SITARAMAN, Under Secy.

आदेश

नई दिल्ली, 25 फरवरी, 1984

का०आ० 1665—केन्द्रीय सरकार की राय है कि इससे उपायक अनुसूची में विनियोग विवर के बारे में बागलकोट उद्योग लि०, बागलकोट के प्रबंध तंत्र से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्याय-निर्णयन के लिए निर्देशित करना चाहिए समझती है;

अतः केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकारण गठित करती है जिसके प्रांताधीन अधिकारी श्री बी० एच० उपाध्याय हैंगंगा, जिनका मुख्यालय बंगलौर में होगा और उक्त विवाद को उक्त अधिकारण को न्याय-निर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या मैसर्स बागलकोट उद्योग लि० के प्रबंध तंत्र की कम्पेनर अटेंडेंट, श्री चन्द्रपाल अनंगी, को बागलकोट सेंट्रल फैक्ट्री में काम्पनी की चूना पत्थर घटान में रोटो ब्रेकर के रूप में स्थानात्मित करने की कार्यवाही न्यायोचित है यदि नहीं, तो संवैधित कर्मकार किस अनुनाय का सुकार है?"

[गं० ए०-29011/70/83-ई-3 (बी)]

ORDER

New Delhi, the 25th February, 1984

S.O. 1665.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bagalkot Udyog Limited, Bagalkot, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri V. H. Upadhyaya shall be the Presiding

Officer, with headquarters at Bangalore, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the management of Messrs Bagalkot Udyog Limited are justified in transferring Shri Chandrappa Alugudi, Compressor Attendant, Bagalkot Cement Factory, to Limestone Quarry of the Company as Stone Breaker ? If not, to what relief is the workman concerned entitled ?"

[No. L-29011/70/83-D.III (B)/D]

आवेदन

नई दिल्ली, 23 अप्रैल, 1984

का०आ० 1666.—केन्द्रीय सरकार की राय है कि इसमें उपावच अनुसूची में विनियिष्ट विषय के बारे में तिगरेणी कोलियरीज क० नि०, कोठागुडियम के प्रबन्धनत्व से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना चाहनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) और (ii) के द्वारा प्रदत्त प्रक्रियों वा प्रयोग करने हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पोठामीन अधिकारी श्री जी० पूर० बरोट हैं, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णय के लिए निर्विभित करती है।

अनुसूची :

"क्या मैमसं मिगरेणी कोलियरीज क० नि०, कोठागुडियम के प्रबन्धनत्व की श्री पी० मरेणी और श्री क० अन्ननेयुल की अमाणः 1-7-83 और 21-6-83 से सेवाएँ समाप्त करने की कार्रवाई न्यायान्वित है ? यदि नहीं, तो संविधित कर्मकार किस अनुरोध के द्वारा है ?"

[सं. एल-22011/70/83-शी-3 (बी)]

ORDER

New Delhi, the 23rd April, 1984

S.O. 1666.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Co. Ltd., Kothagudium and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Srinivasarao shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action to the management of Messrs Singareni Collieries Co. Ltd., Kothagudium in terminating the services of Shri V. Saraiyah and Shri K. Anjaneyulu with effect from 1-7-83 and 21-6-83 respectively is justified ? If not, to what relief are the workmen concerned entitled ?

[No. L-22011/70/83-D.III (B)]

का०आ० 1667.—केन्द्रीय सरकार की राय है कि इसमें उपावच अनुसूची में विनियिष्ट विषय के बारे में गोपनीय पत्थर खदान, गोब रेता डाकघर वाणी, ताल्लुक मैक्स्योल, जिला भूरत के प्रबन्धनत्व से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करता चाहनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के बाइच (g) द्वारा प्रदत्त प्रक्रियों वा प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पोठामीन अधिकारी श्री जी० पूर० बरोट हैं, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णय के लिए निर्विभित करता है।

अनुसूची

"क्या उन कर्मकारों, जिनका प्रतिनिधित्व एजरात मिनरल्स डेवलपमेंट कार्पोरेशन इम्प्लाइमेंट एजरात मिनरल्स डेवलपमेंट कार्पोरेशन की विभिन्न खनन परियोजनाओं में विद्यमान पर काम कर रहे हैं उनको कासिक दर के स्टाफ में परिवर्तित करने को भाँत न्यायोचित है यदि उन्होंने तो संविधित कर्मकार किस अनुरोध के द्वारा है ?"

[सं. एल-29011/80/83-शी-3 (बी)]

S.O. 1667.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Gujarat Minerals Development Corporation, Ahmedabad and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of the section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the demand of the workmen represented by Gujarat Mineral Development Corporation Employees Union, Ahmedabad in converting the daily-rated Helper in different mining projects of Gujarat Mineral Development Corporation in Gujarat in monthly-rated staff is justified ? If so, to what relief are the workmen concerned entitled ?

[No. L-29011/80/83-D.II (B)]

आवेदन

नई दिल्ली, 12 मार्च, 1984

का०आ० 1668.—केन्द्रीय सरकार की राय है कि इसमें उपावच अनुसूची में विनियिष्ट विषय के बारे में गोपनीय पत्थर खदान, गोब रेता डाकघर वाणी, ताल्लुक मैक्स्योल, जिला भूरत के प्रबन्धनत्व से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान हैं;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना चाहनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1941 का 14) की धारा 7-के बौर धारा 10 की उपधारा (1) के खंड (प) द्वारा प्रदत्त गतियों का प्रयोग करते हुए, एक औद्योगिक अधिकारण गठित करती है जिसके पीछासीन अधिकारी श्री जी.एम० बरेत होंगे, जिसका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकारण द्वारा स्वयं-जियेन के द्वारा निर्देशित करती है।

अनुसूची

"क्या गायत्री पत्तर खावान रेता के प्रबन्धन-तत्व की श्रीमती गायत्री-देवी, गमती भाई चौधरी, अभिक की 20-5-83 से सेवाएं समाप्त करने की कार्यवाही स्वारोचित है? यदि नहीं, तो संभवित कर्मकार विषय अनुतोष की हड्डवार है?

[मंचा एन-29012/53/83-जी-3(बी)]

नन्द लाल, अवर सचिव

ORDER

New Delhi, the 12th March, 1984

S.O. 1668.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Gayatri Stone Quarry, At Village Reta, P.O. Wadi, Taluka Maxgrol District Surat and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Gayatri Stone Quarry, Reta in terminating the services of Smt. Parvatiben, Ramjibhai Chaudhary, Labour, w.e.f. 20-5-83, is justified? If not, to what relief is the workman concerned entitled?"

[No. L-29012(53)/83-D.III (B)]

NAND LAL, Under Secy.

New Delhi, the 4th May, 1984

S.O. 1669.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of M/s. R. B. Seth Moolchand Nemichand (Pvt.) Ltd., Bhilwara and their workmen, which was received by the Central Government on the 24th April, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 242/83

In the matter of dispute between :

Kishore Singh C/o Khan Mazdoor Congress, Bhilwara
(Rajasthan)

Versus

M/s. R. B. Seth Moolchand Nemichand (P) Ltd., P.O
Mandal District Bhilwara (Rajasthan).

PRESENT :

None.

AWARD

The Central Government, Ministry of Labour, vide Order No. I-28012(1)/83-D.III(B) dated 29th November, 1983 referred the following dispute to this tribunal for adjudication :—

"Whether the action of the management of M/s. R. B. Seth Moolchand Nemichand (Pvt.) Ltd., Mine Owners Mandal, District Bhilwara, in terminating the services of Shri Kishore Singh S/o Shri Barda Singh Renawat, Mate, with effect from 6th February, 1982, is justified? If not, to what relief is the workman concerned entitled?"

2. Notices were issued to the parties by registered post was received through communication from the Management with a request from the workman and a copy of the settlement reached between the parties as also a copy of receipt of Rs. 2000 by the workman from the Management on implementation settlement dated 3-2-84.

3. The matter in dispute has been amicably settled between the parties and the workman received Rs. 2000 from the Management in full settlement of all his claim and dues including the claim for reinstatement and back-wages and nothing now remains due from the Management to the workman in respect of any claim of his touching his employment with the Management.

4. Accordingly a No Dispute Award is made and the matter referred to does not survive for adjudication.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary to action at their end.

Dated : April 16, 1984.

O. P. SINGLA, Presiding Officer

[No. I. 28012(1)/83-D.III (B)]

New Delhi, the 5th May, 1984

S.O. 1670.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2 Bombay in the industrial dispute between the employers in relation to the management of Messrs Manganese Ore (India) Limited and their workmen, which was received by the Central Government on the 24th April, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 2, BOMBAY

Reference No CGIT-2/37 of 1983

PARTIES

Employers in relation to the management of messrs Manganese Ore (India) Limited.

And their workmen

APPEARANCES

For the Employers : Shri P. S. Nair, Advocate.

For the Workmen : Shri Harischandra Rishi, Advocate.

INDUSTRY : Mining (Manganese)
STATE : Maharashtra

Bombay, the 5th April, 1984

AWARD

By their order No. L-27012/3/82-D.III(B) dated 7-9-1983 the following dispute has been referred for adjudication under section 10(1)(d) of the Industrial Disputes Act :—

"Whether the action of the management of Beldongari Mine of Messrs Management Ore (India) Limited, in dismissing Shri Dhuru Sadhu, Ex-Watchman, from services with effect from 6-10-81 is justified? If not, to what relief the concerned workman is entitled?"

2. The contention of the workman as seen from the statement of claim to state in brief, is that the findings of the Enquiry Officer were not supported by any legal evidence on record and therefore they are perverse, that the charges levelled against the workman was never brought home and that the witnesses examined during the enquiry could never have been believed and no finding of misconduct would have been arrived at. For the said purpose the so-called discrepancies in the evidence of various witnesses have been pointed out.

3. Against this there is the written statement filed by the management at Ex. 2/M whereby they support the conclusions arrived at by the Enquiry Officer and the resultant order of dismissal passed against the workman.

4. On the above pleadings the followings issues arise for determination and my findings thereof are:—

1. Whether the findings of the Enquiry Findings were based on the Enquiry Officer were based on legal or sufficient evidence, evidence and vice versa?

2. Was the enquiry legal and proper? Yes

3. Was the punishment awarded harsh and disproportionate? No.

4. Was the action of the management in dismissing the workman legal and justified? Yes

5. If not to what relief the ex-workman is entitled? Does not arise

6. What award? As per award.

REASONS

5. Since an enquiry was held before taking any action against the workman that must have to be seen is whether the conclusions arrived at the Enquiry Officer any way were perverse and there was absolutely no evidence in support of this conclusion, despite total absence of evidence finding of guilty was noted down. Unless these factors are established the fact that there was a departmental enquiry will have its own weight and if there was sufficient evidence to hold the workman guilty there would be no need to defer from the conclusions.

6. The charge against the workman as is evident from the chargesheet was that while he was working as Chowkidar and posted to guard the Mine Store Blacksmith etc. from 12 midnight to 8 A.M. of 21-7-80 a truck bearing No. MHV 2411 was without authority loaded in the presence of the workman without any pass or authority with the company's property by unauthorised persons. However at about 3.30 AM the vehicle was seized by the Police with the stolen property and therefore the workman is alleged to committed misconduct under para 29B(iii), (viii) and (xvii) of the Companies Standing Orders. The only question therefore to be considered was whether the removal of the company's goods was either abetted by the workman or connived at. The fact that ultimately the goods detected from the truck and seized by the Police belonged to the company is not disputed. So also the fact that initially they were lying within the premises of the mines. Removal therefore of these goods without any pass or permit was unlawful and if the management can prove that the workman was privy to the guilt, the charge shall deemed to be brought home otherwise not. For the said purpose the management cited before the enquiry officer witness No. 1 Shri Shaike Jalil, s/o Shaik Rehman who stated that on the relevant date he accompanied the truck of Shri Rambhau Kakkad and when reached Beldongri Mine at about 12 midnight, it was loaded with stolen goods. The witness pointed out the workman to be present who showed the goods to be loaded. Those goods consisted of tub wheels, rails etc. Thereafter when the truck was taken out with the goods on the way it was seized by the Police. The witness says that when the Police made enquiry the name of the workman was pointed out to them as a result of which he was arrested and taken into custody by the Police. In the cross-examination nothing has transpired as to disbelieve this witness. Witness No. 4 Shri Kawdoo Urkuda was the blacksmith who had welded some tub wheels on the earlier day and he had identified the property. So far as the identification is concerned namely that the property belonged to the mine there is no dispute nor any challenge.

7. Another witness who accompanied the goods namely Shri Nilkanth Rama deposed to the loading of the truck but states to have no reason to see whether anybody was present or not. Certainly the statement of Nilkanth does not support the management. But when another witness Shri Mohan Chaitram

Yadav speaks of the talk Shri Jalil and the truck driver had with the workman, the purported silence observed by Shri Nilkanth for the reasons best known to him will be of little importance. Witness No. 9 supports Shri Shaik Jalil when he says that the workman approached the truck and had talk with him. How it seems that it was an open ground and this witness says that the truck was loaded near the mango tree and it is not known whereby he points to other spot, the possibility that identification is done by different means cannot be ruled out.

8. Witness No. 3 Shri P. Nagia speaks of the duty of the workman on the mine store which is situated, at a distance of 100 ft. from the blacksmith shop, where the property was lying. Similarly witness No. 5 Shri Shamrao Kolbaji deposed that the duty of Shri Dhuroo was at Blacksmith shop. Shri Yadav Pogal Chowkidar who was relieved by the workman says that his duty was at Magazine. Another witness, the time keeper namely Shri G. S. Pathak, witness No. 7 says that the duty of Shri Dhuroo was from Magazine to Blacksmith shop while witness No. 8 Shri Punjabrao Abhiman says that only from the time of incident a separate chowkidar is posted in the magazine and formerly the duty was from magazine to haulage.

9. Having regard to all this evidence, having regard to the statements of Shaik Jalil and Mohan Chaitram Yadav and further having regard to the fact that immediately after some time the persons concerned declared to the police the part played by the workman as a result of which he was taken into custody by the Police, there is sufficient evidence to hold the workman guilty of the participation in the act of theft amounting to misconduct as alleged. It is not therefore a case of no evidence on the contrary this is a case of sufficient material on record and therefore I cannot accept the contention of the workman that the findings were perverse and therefore they need interference. There are discrepancies as already pointed out but those are not such as to upset the findings. Even the discrepancies would not have weighed with the criminal Court where the charge will have to be established beyond reasonable doubt, which is not the case in the domestic enquiry where the standard of proof is something different and I am not prepared to accept the contention of the workman that the conclusions were perverse.

10. No other point has been urged. Sufficient opportunity was given to the workman to defend himself and all the witnesses were heard in his presence and their evidence recorded and punishment was awarded after issue of notice.

11. If the conclusion is that the workman was guilty of participation in the theft, having regard to the fact it is a mine area where thousands of rupees worth property is lying scattered the punishment of dismissal in my view was the only punishment possible and therefore it is neither harsh nor disproportionate and on this ground also no interferences is called for.

12. The result is that the action of the management is held to be justified and no relief can be granted to this workman.

Award accordingly. No order as to costs.

Sd/-

M. A. DESHPANDE, Presiding Officer
[No. L-27012/3/82-D.III(B7)]
NANDLAL, Under Secy.

धारेण

नई विली, 3 अप्रैल, 1984

फा०आ० 1671.—केन्द्रीय सरकार की राय है कि इससे उपाधिक अनुसूची में विनियोग विषय के बारे में संयुक्त प्रबन्धक (पतन सचालन) भारतीय खाद्य निगम के प्रबन्धनन्त से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को भाग्यनिर्णयन के लिए निर्देशित करना चाहीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के बंड (घ) द्वारा प्रदल जनियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी० अरुलराज होंगे, जिनका भूज्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"या संयुक्त प्रबन्धक (पतन सचालन), भारतीय खाद्य निगम, मद्रास द्वारा नियोजित वैक्य पट्टर कर्मकारों की मांग, जो उसे लगातार सेवा और उचित बोतनमानों तथा भल्तों के लाभों सहित भारतीय खाद्य निगम के ढंगीनिर्णय विभाग में अपाने के बारे में है, न्यायोचित है यदि हो, तो संवित कर्मकार किस तरीक से किस अनुसूच के हकदार है ?

[सं० एस-42011/28/83-ही-2 (बी)/धी-4 (बी)]

एस० एस० मेहता, डैस्क अधिकारी

New Delhi, the 3rd April, 1984

ORDER

S.O. 1671.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Joint Manager (Port Operations), Food Corporation of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Arulraj shall be the Presiding Officer with headquarter at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the demand of the vacuator workers employed by the their Joint Manager, (Port Operation), Food Corporation of India, Madras for their absorption in the Engineering Department of the Food Corporation of India with continuity of service and benefits of proper pay scales and allowances is justified ? If so, to what relief are the workmen concerned entitled and from which date ?"

[No. L-4201(28)/83-DII(B)/DIB(B)]

S. S. MEHTA, Desk Officer

New Delhi, the 4th May, 1984

S.O. 1672.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No 3 Dhanbad, in the industrial dispute between the employers in relation to the management of Nimcha Colliery of Messrs Eastern Coalfields Ltd., Post Office Jaykaynagar, District Burdwan and their workmen, which was received by the Central Government on the 30th April, 1984.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 42/82

PARTIES :

Employers in relation to the management of Nimcha Colliery of M/s. Eastern Coalfields Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workman—Shri D. K. Verma, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 25th April, 1984

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/s. 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-19012(12)/82-D.IV(B) dated the 27th/29th April, 1982.

SCHEDULE

“Keeping in view the nature of job whether the demand of the workman for regularisation of Sri Sudama Singh of Nimcha Colliery of M/s. Eastern Coalfields Ltd., (Burdwan) as Loading Supervisor in clerical Grade-I is justified? If so to what relief is the workman entitled and from what date?”

2. The case of the workman is that he has been working at East Nimcha Colliery since 1963 as Loading Clerk in Grade II. It is stated that his service was regularised in 1965 and since then due to his efficiency, sincerity and ability he was entrusted with greater responsibility of supervising the entire work of wagon loading, checking etc. and thus became a full fledged supervisor. The erstwhile management, however, did not regularise him as Loading Supervisor inspite of his representation and after nationalisation he represented his case to the present management with a request to change his designation and regularise him as Loading Supervisor in Grade I considering the nature of work performed by him. The Manager of Nimcha Colliery also issued a certificate dated 24-4-74 recommending his case but till now he has not been regularised in Grade I as Loading Supervisor. It is submitted that he should be regularised in supervisory clerical grade I at least with effect from 1-5-73 with consequential benefits.

3. The defence of the management is that under the Coal Wage Board recommendation there is no designation of Loading Supervisor in clerical Grade I or in any other grade. It is stated that the workman concerned Sri Sudama Singh was working as Asstt. Loading Clerk in Grade III and after nationalisation he was promoted to the post of Clerk Grade II with the designation of Loading Clerk in September 1974 and since then he has been working in the same capacity and the nature of work done by him is that of Clerk Grade II. It is also stated that he never performed the job of Loading Supervisor nor he ever performed any supervisory work in

regard to loading of coal. It is submitted that the management has a number of other supervisory staff for performing the job relating to supervisory of coal loading into railway wagon etc. It is also the case of the management that there is a Cadre Scheme of the management under which promotions are given in different grades and under the promotion policy a Clerk in Grade II is promoted to the post of Clerk Grade I on the basis of selection having regard to merit-cum-seniority and not in an arbitrary manner. Further in view of the promotion policy there is no question of regularising any employee in a higher grade as that will amount to giving promotion through back door which is not permissible. It is also submitted that in the present case the concerned workman is seeking promotion through back door which cannot be allowed and promotions are only made through selection by Departmental Promotion Committee. According to the management the concerned workman never performed the work of supervisory capacity nor there is any post of Loading Supervisor and hence, in the circumstances, he is not entitled to any relief.

4. The point for consideration is as to whether keeping in view the nature of job whether the demand of the concerned workman for regularising him as Loading Supervisor in Clerical Grade I is justified. If so to what relief he is entitled.

5. From the pleadings of the concerned workman it is clear that he is claiming Clerical Grade I since 1973 on the ground that he is performing the job of Loading Supervisor and should be placed in Clerical Grade I. The management's case, however, is that before nationalisation the concerned workman was an Asstt. Loading Clerk and thereafter he was promoted as Loading Clerk in Grade II and since then he is performing the job of loading Clerk and so he is not entitled to Clerical Grade I.

6. The main question, therefore, is as to what are the jobs which the concerned workman is performing and whether the same would entitle him for regularisation in clerical Grade I. WW-1 is Sri Sudama Singh the workman concerned himself. It is admitted by him that he was initially appointed as a Munshi. He has, however, contended that the job of Loading Supervisor was entrusted to him from January, 1965. The nationalisation took place in the year 1973 but prior to that there is nothing to show that the concerned workman ever made a representation before he erstwhile management for putting him in Clerical Grade I. This witness is a non-matriculate and it is admitted by him that there is a Cadre Scheme under which promotions are given. In paragraph 1 of his chief he has stated that the job of Loading Supervisor is to see the Challan after loading of wagon, to see where they are to be despatched, to distribute the wagons to different loaders for loading and to supervise the quality of coal. No paper has been filed on his behalf to show whether he performed all these duties. It is admitted by him that for the first time he was promoted to Grade II on 3-5-74. From his cross-examination in para 5 and 6 it will appear that he cannot give the details of loading. In paragraph 9 he has admitted that there is a Cadre Scheme for promotions of Sales Staff to which he belongs and that promotions are given as per that Cadre Scheme. Ext. M-1 is a letter issued by the Head Office regarding Cadre Scheme in the Coal Industry. The concerned workman belongs to Sales Department. In the Sales Department the Cadre prescribed is as follows:

“Sales Cadre

Sales Supdt.
(Tech. Gr.A)

Despatch Supdt. & Loading Inspector
(Tech. Gr.B)

Asstt. Loading Inspector & Asstt. Despatch Supdt.
(Tech. Gr. C)

Despatch Clerk (Gr. D)

Loading Clerk (Gr.II)

Asstt. Loading Clerk (Gr. III)”

This fact is also admitted by WW-1 in his evidence. This Cadre Scheme was further modified by another letter Ext. M-2 dated 28-3-79. These two documents would also show the

job description of different grades of Clerks. Job description for Grade II Clerks is given in Ext.M-1 which shows that Clerk Grade II in Sales Department has to collect coal production figure from different quarries and posting them in the register. All works connected with wagon indent, allotment, supplies, loading etc. and posting them in the registers, preparation of loading advice in detail, forwarding notes of wagon loading, maintenance of coal despatch register and preparation of statement and to deal with correspondence related to all loading matters. Even according to the workman himself he is performing these duties regarding loading and this job description is meant for Clerk Grade II and not for Clerk Grade I. The job description of Clerk Grade I is also given in this document but those jobs are not performed by the workman himself. Thus there is no document to show that the concerned workman was performing the duty which is under the job description of Clerk Grade I. Exts. M-3 & M-3/1 are the office orders showing promotions in the Sales Department which shows that promotions are given through Departmental Promotion Committee. This fact is also mentioned in the Grade Scheme. There is nothing on the record to show that there was any vacancy in Clerical Grade I in which the case of concerned workman was not considered or that persons junior to him was promoted. MW-1 is Sri K.K.Pillai, Despatch Supdt. He joined Nimcha Colliery in April 1973 as Group Sales Representative and reached upto the post of Despatch Supdt. where he remained till June '81. He has stated that the Loading Section in Nimcha was under his charge and next to him was Sri Ram Ballav Singh who was Incharge of Loading Section directly and it was his duty to distribute wagon to wagon loaders, supervise of markings of wagons, supervise of unloading, over-loading, quality loading, timely loading etc. According to him during this period the concerned workman never worked as Loading Supervisor as this was the work of Loading Supervisor or Loading Inspector and Sri Sudama Singh perform the job of Clerk only. He has also stated that there is no question of regularising any staff in any higher post and that only promotions are given to higher post as per Cadre Scheme. In paragraph 8 he has stated that in Nimcha Colliery there are in all 5 Clerks in Sales and Despatch section including Sudama Singh and they are all designated as Loading Clerks. According to him Sudama Singh all along performed the work of a Loading Clerk and is rightly placed in Grade II.

7. Much reliance, however, has been placed on behalf of the union on Ext. W-1 which is said to be a general certificate dated 24-4-74 purported to have been issued by Sri S. K. Mondal, Manager, Nimcha Colliery. In this document he has certified that Sudama Singh was working in this colliery as a Loading Clerk since 1963 and that his name has been recommended for Asstt. Loading Supervisor by him. The word "assistant" however has been penned through. In the last line he has mentioned that considering his ability and seniority he has been deputed to look after the supervisory work. On the basis of this certificate it is contended on behalf of the union that since 1974 the concerned workman was deputed to look after loading supervisory work. The management has challenged the authenticity of this document and has further contended that the Manager has got no right to depute any person to higher post or to give any promotion. Now even if the certificate be taken to be correct then utmost it means that the name of the concerned workman was recommended by the Manager in the post of Asstt. Loading Supervisor. Now it was for the higher authorities whether to give him any promotion or not. Higher authorities did not give him any higher promotion. Therefore, in the circumstances, on the basis of this document the concerned workman cannot claim to be regularised in Clerical Grade I in fact of the cadre scheme under which promotions are given. Ext. W-2 is a representation filed by the concerned workman for change of his designation. Ext. W-3 is another letter dated 8-8-75 issued by the Manager to the concerned workman Sri Sudama Singh and others. This letter is by way of explanation called for from Sudama Singh and two others. It is mentioned that it was reported by the Sub-Area Manager that Sudama Singh and 2 other persons named therein along with Loading Chaprasis leave the siding immediately after the departure of Loading Supervisor resulting substandard loading and this practice amounts to misconduct and therefore they were directed to attend the loading until the wagons are completely loaded. Thus from a perusal of this letter which is the document of the workman himself it is clear that Sudama Singh was working as Loading Clerk and he was to assist the Loading Super-

visor, but he never worked as a Loading Supervisor as claimed by him. Now if he would have been working as a Loading Supervisor then no complaint would have been received against him that he was in the habit of leaving the siding immediately after the departure of Loading Supervisor. This document thus helps the management.

8. Considering the entire evidence and facts and circumstances of the case, I hold that the concerned workman has failed to prove that the job performed by him is that of Clerk Grade I and that he should be regularised in that post. From the evidence it is clear that he is doing the work of Loading Clerk in Clerical Grade II and in fact of the Cadre Scheme and other circumstances he is not entitled to be regularised in Clerical Grade I. The Reference is decided in favour of the management.

9. The award is passed accordingly.

J. N. SINGH, Presiding Officer
[No. L-19012 (12)/82-D. IV. B]

S.O. 1673.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of New Kenda Colliery of Messrs Eastern Coalfields Ltd., Post Office Bahula, District Burdwan and their workmen, which was received by the Central Government on the 30th April, 1984.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.3, DHANBAD

Reference No. 41/82

PARTIES : Employers in relation to the management of New Kenda Colliery of M/s. Eastern Coalfields Ltd., P. O. Bahula (Burdwan).

AND

Their workmen.

APPEARANCES :

For the Employers—Sri N. Das, Advocate.

For the workman—Sri S. Yer Mohammad.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 24th April, 1984.

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them u/s 10 (1) (d) of the Industrial Disputes Act, 1947 (14 of 1947) has referred the above dispute to this Tribunal for adjudication under Order No. L-19012(11)/82-D.IV(B) dated the 27th/29th April, 1982.

SCHEDULE

"Whether the action of the management of New Kenda Colliery of Eastern Coalfields Ltd., P. O. Bahula (Burdwan) in superannuating Sri Ayedhya Kora, Underground Loader with effect from 3-10-81 is justified? If not, to what relief he is entitled?"

2. The case of the workman is that he has been superannuated illegally before reaching the age of 60 years. According to him the year of his birth was recorded as 1926 at the time of appointment and the same year of birth was recorded in the C. M. P. F. record. The concerned workmen objected to this illegal retirement but to no effect. It is prayed that he may be reinstated in service with full wages.

3. The defence of the management is that the concerned workman was appointed in the year 1956 as underground Loader in New Kenda Colliery by the erstwhile management. His year of birth was recorded in the Form B register as 1921 and further the erstwhile management also maintained a service card with the photograph affixed thereon in which also

of birth was recorded as the same and on both these documents the concerned workman has put his thumb impression and on the basis of the records of the management he was rightly superannuated with effect from 3-10-81 after attaining the age of 60 years. It is prayed that the reference in the circumstances be decided in favour of the management.

4. The point for consideration is as to whether the action of the management in superannuating Sri Ayodhya Kora with effect from 3-10-81 is justified. If not, to what relief he is entitled.

5. On behalf of the workman 4 wage sheets Ext. W-1 series have been filed but they do not prove anything. No document or age has been filed on behalf of the workman. The workman has examined himself as Ww-1 but he cannot say the date of year of his birth. His simple case in evidence is that he was retired illegally.

6. On behalf of the management, however, the Form B register Ext. M-1 has been filed and entry NO. 1457 would show his parentage, residence, date of appointment as also year of birth. In this document his year of birth is recorded as 1921. He has been shown as resident of village Jaimai, P.O. Rajpura, P.S. Belar, Dist. Bhagalpur and his father's name has been recorded as Punai Kora. This description tallies with the description of the concerned workman as he has also admitted in his evidence that he is resident of the same village and his father's name is Punai. This entry bears his thumb impression. According to MW-1 & MW-2 who are Dy. Personnel Manager and Sr. Personnel Officer of the management this register was prepared on the basis of the old Form B register of the erstwhile management which has been torn being old one. MW-2 the Sr. Personnel Officer has stated that the entry in this register was made by Sri. S. R. Mukherjee the Dealing Assistant and a clerk and this register was prepared under his supervision and the workman concerned also put his thumb impression on it. This witness has joined his service in 1971 as Welfare Officer under the old company. The entry in Form B register is corroborated by the service card Ext. M-2 issued to the workman in the year 1958 by the erstwhile management. In this document also his father's name, residence are mentioned and further his identity number is also shown as 867 on his photograph and Provident Fund number is also given. This also bears his thumb impression. The concerned workman in his evidence, however, has denied this service card and the photograph to be his own. He has stated in para 2 of his chief that the photograph on Ext. M-2 is of one Azadhaza Kora who is resident of Bhagalpur but he cannot say to which village the said Azadhaza belonged.

7. It appears that the concerned workman wanted to take advantage of the name recorded in the service card. In the service card the name recorded is Ajadhaza Kora. It might be that instead of Ayodhya Ajadhaza was recorded by mistake and the clerk preparing this record might have little knowledge of English. This is borne out from the fact that the father's name, village and other details tally with the concerned workman. Even the C. M. P. F. number and identity card number on the photograph is of the concerned workman himself. If the service card Ext. M-2 would have belonged to some other person then the said person must have been of village Jaimai having the same Post Office and Police Station as also having the same father's name. Thus from the above circumstances it is clear that Ext. M-2 the service card is of the concerned workman. As stated earlier the year of birth in this service card is also 1921.

8. The entries in these two documents are further corroborated from an important document of the ex-owner which is known, as documentary register. This type of register was not maintained in all the collieries but this particular company maintained this register in which all the details of a workman were mentioned. The said document has been marked Ext. M-3 and entry No. 063289 is in respect of the concerned workman. Photo identity number given in it as M867 which is the same as on Ext. M-2. The father's name as also Provident Fund number are also mentioned in it. The residence, Post Office as also Police Station are also mentioned therein. Thus this entry is decidedly in respect of the concerned workman and in this entry also his year of birth recorded is 1921. Thus all these three documents clearly indicate that the year of birth of the concerned workman is 1921 and on the basis of these docu-

ments the management was justified in superannuating the concerned workman on attaining the age of 60 years. As stated earlier there is no document on behalf of the workman to show that the year of birth recorded in these three old documents are not genuine.

9. The only argument on behalf of the workman is that in Form A of the C.M.P.F. account the year of birth was recorded as 1920 and in support of it he has filed the nature report Ext. W-2. But the said document of the Provident Fund Department has not been filed before me. The management during evidence has denied the entry in the said register.

10. Another argument made on behalf of the workman is that according to the management the New Kendra Colliery in which the concerned workman was working belonged to Bengal Coal Company but it is not so as the Schedule in the Nationalisation Act would show that New Kendra Colliery belonged to New Beerbhumi Coal Co. In support of it the union has drawn my attention to Sl. No. 348 of the schedule which shows that New Kendra Colliery belonged to New Beerbhumi Coal Co. Ltd., but the address given in it is the same as the address of Bengal Coal Co. Ltd., as it will appear from Sl. Nos. 317 and 322 and according to the management New Beerbhumi Coal Co., also belonged to Bengal Coal Co. Ltd. Be whatever may, it is clear that the service card as also the documentary register which belonged to the ex-owner and which are old documents clearly indicate the year of birth of the concerned workman as 1921 which is corroborated from the Form B register Ext. M-1.

11. It is not disputed that as per circular of the Head Office of the management issued in the year 1970 if no month, year, date of birth is mentioned in relevant registers of the management and only year of birth is mentioned then 1st July of the year in which the workman attains 60 years is to be deemed to be the date on which he is to retire. According to this circular the concerned workman should have been retired from 1-7-81 but he was retired on 3-10-81, that is, one or two months more after attaining the age of 60 years.

12. Considering these, I hold that the action of the management in superannuating the concerned workman with effect from 3-10-81 is fully justified. In the circumstances he is not entitled to any relief.

13. The award is given accordingly.

J. N. SINGH, Presiding Officer

[No. L-19012(11)|82-D.IV-B]

S.O. 1674.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Pure Searsore Colliery of M/s. Eastern Coalfields Limited, Post Office Searsore Raibari, District Burdwan and their workmen, which was received by the Central Government on the 28th April, 1984.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 38 of 1981

PARTIES :

Management of Pure Searsole Colliery of M/s.

Eastern Coalfields Limited, P. O. Searsold
Rajbari, Distt. Burdwan.

AND

Their Workmen

APPEARANCE :

On behalf of Employees.—Mr. N. Das, Advocate with Mr. S. Gupta, Advocate and Mr. P. L. Ojha, Senior Personnel Officer.

On behalf of Workmen.—Mr. D. L. Sen Gupta, Advocate with Mr. M. S. Dutta, Advocate.

STATE : West Bengal INDUSTRY : Coal Mines

AWARD

By Order No. L-19012(16)/81-D.IV(B) dated 17th September, 1981, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Pure Searsold Colliery of M/s. E.C.L., P.O. Searsold Rajbari, Distt. Burdwan in superannuating Shri Bikram Chamar, CCM Driver with effect from 27-10-80 is justified ? If not, to what relief is the concerned workman entitled ?"

2. For the purpose of answering the issue the only matter to be determined in this case is as to what is the date or year of birth of Bikram Chamar. According to him his date of birth is 1st July 1934 but as per case of the colliery management his age was 56 years on 10 November 1975, that is, his year of birth was 1919. The concerned workman mainly relies on a gas testing certificate Ext. W-1 dated 25 March 1969 which is granted under the Mines Act by the Board of Mining Examinations and on two school certificates Ext. W-7 and Ext. W-3.

3. Sri D. L. Sen Gupta the learned advocate for the union contended that in Ext. W-1 the gas testing certificate, the date of birth is 1st July 1934 and that date was supplied by the manager of the mine to the Board and hence it should be accepted. In my opinion the contention is not sound. There is no evidence on record to show that the said date was sent by the manager of the mine. WW-1 Bikram Chamar has said in his evidence that the manager is to give the date of birth but such evidence cannot be accepted as reliable. There is no rule that the manager will send the date of birth to the Board. WW-1 says that the gas testing certificate was renewed but renewal is not noted therein. I think it is reasonable to infer that Bikram Chamar must have himself given

his date birth as 1st July 1934 as there is nothing to show on what this date was mentioned therein.

4. Sri D. L. Sengupta next referred to the two school certificates Ext. W-7 and Ext. W-3. Ext. W-7 is a certificate from a primary school. It was obtained on 7th August, 1965. It was issued by one Shankar Singh to the concerned workman, it does not bear the seal of office. This certificate shows that Bikram Chamar entered the school on 1st November 1941 and he left it on 30th June 1946. It was taken in the year 1965. There is nothing on the record to show as to how it became necessary for him to obtain this certificate from the school after 19 years, he having left the school in 1946. Ext. W-3 is a school leaving certificate issued on 7-8-1966. It appears from this certificate that he was admitted in the class VIII on 10-7-49, in the IX class on 15-5-50 and in the X class on 20-6-51. He left the school on the same date. The signature of headmaster Ram Naresh Singh is sd/- Ram Naresh Singh, written three times. The signature of Kali Charan Singh is also sd/- Kali Charan Singh. In other words the head master has not signed it. No one from any school has come to prove these two school certificates Ext. W-7 and W-3. No Register from the school has been produced to prove the date of birth. These two certificates were attested in the year 1980. As already seen, Ext. W-3 was obtained the very next year of the obtaining of Ext. W-7. The surprising thing is that even after obtaining these two certificates he sat silent for about 10 years. He raised the dispute for the first time on 6th January 1976 when he applied for correction of his age. His explanation is that he came to know from the identity card that his age has been wrongly recorded in B Form Register (Ext. M-1). This explanation is not convincing, the identity card has not been produced. The B form Register Ext. M-1 bears his L. T. I. and it mentions his age as 56 years on 10-11-1975. I will refer to Ext. M-1 later. At this place I would like to mention that the present industrial dispute was raised in October 1980 when intimation was given to the concerned workman that he would be superannuated w.e.f. 27-10-80. The remarkable thing is that though he filed an application before the Management on 6-1-76 for correction of his age, he did not pursue the matter seriously; he only filed another application after a year that is on 25-12-1976 (Ext. W-6) for correction of his age. Then he again sat silent for about four years and this industrial dispute was raised in 1980. For above reasons I am not inclined to rely on the two school certificates. I think that they were brought in existence only for the purposes of this case.

5. Sri D. L. Sengupta next drew my attention to para five of the written statement of the union, in which it is mentioned that in the Provident Fund Records the date of birth of the concerned workman is 1st July 1934. He argued that para 5 has not been controverted by the management in their written statement hence it should be accepted that Provident Fund Records mentions date of birth of Bikram Chamar as 1st July 1934. Even if that be so it is not known as to under what circumstances that date of birth was mentioned therein. The relevant Provident Fund Records have not been filed. No one from that department has been examined on behalf of the concerned workman. Without examining those records

before this tribunal is not possible to conclude that the date of birth of the concerned workman viz. 1st July 1934 should be accepted as the correct date of birth. So far as oral evidence is concerned the only evidence on behalf of the union is that of the concerned workman Bikram Chamar himself. No one else has been examined on his behalf. The oral evidence of Bikram Chamar on the point of his age cannot be accepted unless it is supported by any reliable document. I have already shown that there is no reliable document on the side of the union to support the oral evidence of the concerned workman. He himself put his L.T.I. on B Form Register which mentions his age as 56 years on 10-11-1975.

6. I will now come to the evidence adduced on behalf of the management. Ext. M-1 is the B Form Register of the colliery management. It was prepared in the year 1975. The age of Bikram Chamar as mentioned in this register is 56 years on 10-11-75, that means that Bikram Chamar was born sometime in the year 1919. The entry in the B Form Register bears the LTI of Bikram Chamar and so he is bound by that entry. Sri D. L. Sengupta vehemently contended that this entry cannot be held to be reliable because the original B Form Register of the quondam owner was not produced by the management. He also argued that the age mentioned in the B Form Register Ext. M-1 was 56 years on 10-11-75 and therefore it could not be the exact copy of the original B Form Register of the erstwhile management. In my opinion the argument is not acceptable. MW-1 Sri R. P. Sribastav who was the welfare Officer from 1975 to 1978 of the New Jemchari Khas Colliery has deposed that the B Form Register of the erstwhile management was in wretched condition and not available at present. According to the case of the management the age 56 years was stated by the concerned workman himself on 10-11-75. That I think is correct. It is supported by probability. MW-1 also said that the age in the B Form Register of the Colliery management is mentioned sometimes on the basis of documents, sometimes the workman himself told the age which was written in the register. In the present case it seems to me that concerned workman himself gave his age as 56 years on 10-11-75. B Form Register of the colliery management, in my opinion, is the original document for the management of the Eastern Coalfields Ltd. The old B Form Register was original for the erstwhile management. No doubt it came into the hands of government company but that does not mean that it became the original register of the government company. It has not been prepared by the government company. However it is useless to enter into the discussion as to whether or not the B Form Register of the government company can be called original. The main fact remains that the relevant entry in the B Form Register of the Government Company (Ext. M-1) bears LTI of Bikram Chamar and he cannot be heard to say that he did not know that his age was recorded as 56 years on 10-11-1975. The management also drew my attention to Ext. M-2, the last pay certificate dated 29 August 1980 in which the age of the concerned workman is shown as 56 years on 10-11-75. This certificate was issued to Bikram Chamar when he was transferred to Pure Searsole Colliery from New Pemehari Khas Colliery. According to this Bikram Chamar

should have retired in the year 1979, the age of superannuation admittedly being 60 years. It appears however that due to inadvertence no letter of superannuation was issued to him in due time and he was superannuated from 27-10-1980.

7. Before I conclude I would also like to mention Ext. M-5a. Bikram Chamar made an application (Ext. M-5) to New Jemehari Khas Colliery for correction of his age on 9th September 1980, the management received it on 10-10-80, Mr. G. P. Singh (MW12) the then manager of that colliery made an endorsement on that application, which is "His age as per B Form Register prepared in the year 1967 was 42 (fortytwo) years". This endorsement was made on 18-11-1980. In his evidence MW-2 Sri G. P. Singh said that the application was put up before him by one of the clerks after about 2 months, that the new Jemehari Khas Colliery was declared closed and about one thousand workers were being transferred and many were reluctant to join their new places of posting and everyday there was lot of commotion in the office and one day when the application was put up by the clerk when he noted down what the clerk told about the age of the concerned workman. The witness said that the endorsement was made by him. The explanation, in my opinion, is reasonable. I accept it according to this endorsement the concerned workman would be of 42 years age at the time of his appointment in December 1964 but the peculiar position is that none of the parties now relies on this endorsement. Neither the union nor the management accepts this age as mentioned in the endorsement Ext. M-5a. I would, therefore, exclude it altogether from consideration. This tribunal cannot make a new case for any of the parties.

8. On a consideration of the evidence on record I come to the conclusion that the age of Bikram Chamar was 56 years on 10-11-1975. I accept the case of the management as correct. The evidence of the union oral and documentary is held to be unreliable and it is rejected.

9. To conclude, my award is that the action of the management of Pure Searsole Colliery of the Eastern Coalfields Ltd. P.O. Searsole Rajbari, Dist. Burdwan in superannuating Bikram Chamar, CCM Driver w.e.f. 27-10-80 is justified. It follows that the concerned workman is not entitled to any relief.

Calcutta dated : 17, April, 1984.

M. P. SINGH, Presiding Officer
[No. L-19012/16/81-D-IV (B)]

New Delhi, the 5th May, 1984

S.O. 1675.—In pursuance of section 17 of the Industries Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes following award of the Central Government Industrial Tribunal Chandigarh in the industrial dispute between the employers in relation to the management of Food Corporation of India, and their workmen, which was received by the Central Government on the 26th April, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CHANDIGARH.

Case No. I. D. 132/83; CHD. (89) N. DELHI)

PARTIES :

Employers in relation to the management of Food Corporation of India, Chandigarh.

AND

Their Workman Beant Singh.

APPEARANCES

For the Employers.—

Sh. O. P. Kapoor

For the Workman.—

Food Corporation of India

None.

State-Punjab

AWARD

Dated the 21st April, 1984

The Central Government, Ministry of Labour, in exercise of powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, vide their Order No. L-42012(II)81-FCID. IV(A) dated the 18th of July, 1981, read with S.O. No. S-11025(2)/83 dated the 8th of June, 1983 referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the action of the management of Food Corporation of India in terminating the services of Shri Beant Singh, Watchman, with effect from the 3rd August, 1980, is legal and justified? If not, to what relief is the concerned Workman entitled?"

2. In spite of due service neither the aggrieved Workman nor his Union representative, cared to attend the proceedings. Shorn of submitting his affidavit, the Workman did not bother to file even his claim statement. On the other hand the Management submitted the affidavit of their Deputy Manager (General) K. S. Pillai to show that the Workman was engaged on purely Casual and temporary basis of a short terms and had not rendered 240 days service by the time he was disengaged.

3. Under the peculiar circumstances of the case, I find no apparent reason to disbelieve the Management's version and, as such, return my Award against the Workman.

CHANDIGARH
21-4-1984

I. P. VASISHTH, Presiding Officer
[No. L-42012/11/81 FCI/D IV(A)D. V]

S. S. MEHTA, Desk Officer

नई विल्ली, 4 मई, 1984

का०आ० 1676—केन्द्रीय सरकार, चूना पत्थर और डोलोमाइट खान श्रम कल्याण नियम, 1973 के नियम 3 के साथ पठित चूना पत्थर और डोलोमाइट खान श्रम कल्याण नियम अधिनियम, 1972

(1972 का 62) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र के भाग 2, अंक 3, उपबंड (2), दिनांक 9 जूलाई, 1983 के पाठ 2813 पर प्रकाशित अधिसूचना संख्या का०आ० 2869 दिनांक 24 जून, 1983 में लिन्मलियित संशोधित करती है:—

उक्त अधिसूचना के दस्तावेज 1, 2 तथा 8 के सामने की प्रविष्टियों के लिए लिन्मलियित रखा जाएगा, अर्थात् :—

"1. श्री एम० जी० किम्मतकर,
श्रम, विधि तथा वित्त राज्य मंत्री,
महाराष्ट्र सरकार,
बम्बई..... अध्यक्ष"

"2. कल्याण आयुक्त,
श्रम कल्याण संगठन
श्रम और पुनर्वास मंत्रालय,
(श्रम विभाग)
भारत सरकार,
अंजुमत विलिङ्ग (पहसी मंजिल)
रजिस्टरेशन रोड, सदर नागपुर-उपाध्यक्ष (पदेन)"

"3. श्रीमता राजकुमार बाजपेही,
विधान सभा सदस्य,
गोन्विया (महाराष्ट्र) —महिला प्रतिनिधि"

[सं. नू० 23018/15/80 एम०बी०/डॉल्प० 2]

कवर राजिन्द्र सिंह, अवर सचिव

New Delhi, the 4th May, 1984

S.O. 1676 in exercise of the powers conferred by section 7 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972) read with rule 3 of the Limestone and Dolomite Mines Labour Welfare Fund Rules, 1973, the Central Government hereby amends the notification No. S.O. 2879 dated the 24th June, 1983 published at page 2813 of the Gazette of India Part I, Section 3, sub-section (ii) dated the 9th July, 1983, as under:—

In the said notification, for entries at serial numbers 1, 2 and 8, the following shall be substituted, namely:

1. Shri M. G. Kimmatkar, Minister of State of Labour Law and Finance, Government of Maharashtra, BombayChairman
2. Welfare Commissioner, Labour Welfare Organisation, Ministry of Labour and Rehabilitation (Department of Labour) Government of India, Anjuman Building (1st Floor) Residency Road, Sadar Nagpur....Vice Chairman (Ex-Officio)
3. Smt. Rajkumari Bajpai, MLA, Woman Gondia (Maharashtra)representative.
KANWAR RAJINDER, SINGH, Under Secy.

[No. U. 23018/15/80 M V|W. II]

नई विल्ली, 1 मई, 1984

का०आ० 1677.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्रम विभाग के अवर सचिव, श्री राजीत मित्र को 2 मई, 1984 से अपने आदेश होने तक उत्प्रवास संरक्षी-1, बम्बई के रूप में सभी संगत दस्तावेजों पर हस्ताक्षर करने के लिए प्राप्तिकृत करती है।

[संख्या ए-22012/3/84-एयमीप्रेसन-II]

New Delhi, the 7th May, 1984

S.O. 1677.—In exercise of the powers conferred by Section 5 of the Emigration Act 1983 (31 of 1983), the Central Government hereby authorise Shri Rajeev Mitter, Under Secretary of the Deptt. of Labour to sign all relevant documents as Protector of Emigrants-I, Bombay with effect 2nd May, 1984 till further orders.

[No. A-2212/3/84-EMIG. II]

नई दिल्ली, 3 मई, 1984

का० आ० 1678.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सरकार श्री के० एस० राधवन, जन भूमिका अधिकारी, मद्रास को 17 से 19 अप्रैल, 1984 और 21 अप्रैल, 1984 की अवधि के लिए उत्प्रवास संरक्षी, मद्रास के रूप में नियुक्त करती है।

[संख्या ए-22012/3/84-एमीप्रेशन-2]

S.O. 1678.—In exercise of powers conferred by sub-section (1) of section 3 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri K. M. Raghavan, P.R.O. Madras, to be the Protector of Emigrants, Madras for the period from 17th to 19th April, 1984 and for 21st April, 1984.

[No. A-22012(3)/84-EMIG.II]

का० आ० 1679.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उत्प्रवास संरक्षी के कार्यालय में सहायक, श्रीमती डी० के० बड़ीराजी को केवल ऐसे मामलों में उत्प्रवास संरक्षी की ओर से पासपोर्ट के पृष्ठांकों पर हस्ताक्षर करने के लिए प्राविहत करती है, जहाँ उत्प्रवास संरक्षी, बम्बई ने अनुमति या स्थगन, को जैसी स्थिति है, अनुमानित कर दिया है। इस मन्त्रालय की अधिसूचना सं० ए-11011/34/83-एमीप्रेशन-II सारीख 21 फरवरी, 1984 के अधिकरण में श्री आर० के० खन्ना के स्थान पर उन्हें यह कार्य करने के लिए प्राविहत किया जाता है।

[संख्या ए-11011/34/83-एमीप्रेशन-II]

S.O. 1679.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorise Smt. D. K. Vagirani, Assistant in the office of the Protector of Emigrants to sign the endorsements on Passports on behalf of the Protector of such cases where the Protector of Emigrants Bombay, had approved clearance or suspension as the case may be. She is authorised to perform these duties vice Shri R. K. Khanna in supersession of Ministry's notification No. A-11011/34/83-Emig. II dated 21st Feb. 1984.

[No. A-11011/34/83-Emg. II]

नई दिल्ली, 7 मई, 1984

का० आ० 1680.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा-5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार

श्री के० एस० नायर, सहायक को 21-5-1984 से उस समय तक, जब तक श्री बी० के० वेनुगोपालन छुट्टी से आपस नहीं आ जाते, उत्प्रवास संरक्षी, कोचीन के सभी कार्यों को करने के लिए प्राविहत करती है।

[सं० ई०-11011/34/83-एमीप्रेशन-2]

अर० के० दास, अवर सचिव

New Delhi, the 1st May, 1984

S.O. 1680.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983) the Central Government hereby authorise Shri K.N.S. Nair, Assistant to perform all the functions of the Protector of Emigrant, Cochian with effect from 21-5-84 until Shri V. K. Venugopalan returns from 21-5-84 until Shri V. K. Venugopalan returns from leave.

[No. A-11011/34/83-Emig. II]

R. K. DAS, Under Secy.

नई दिल्ली, 30 अप्रैल, 1984

का० आ० 1681.—केन्द्रीय सरकार, जूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि नियम, 1973 के नियम 3 के उत्पन्न (1) के साथ पठिा जूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि अधिनियम, 1972 (1972 का 62) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राज्यान्, भाग II, खण्ड 3, उप खण्ड (II) तारीख 2 जुलाई, 1983 के पृष्ठ 2695-96 पर प्रकाशित भारत सरकार के श्रम मन्त्रालय की अधिसूचना संबंधी का० आ० 2768 द्वारा गठित आन्ध्र प्रदेश राज्य के लिए चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि सम्बन्धी राज्य सलाहकार सभिति के गठन में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, उम संबंधी 7 के सामने की प्रतिनिधियों के लिए निम्नलिखित रखा जाएगा, अर्थात् :—

"7. श्री पी० जायेलु, संयुक्त वरिष्ठ प्रबन्धक (खदान) सीमेन्ट कार्यपालेशन आफ इन्डिया निमेंडे, येरामन्तला, जिला, कुड्डपा आन्ध्र प्रदेश-516309"

[य०-23018/12/80-एमीवो०/इन्व०-II]

अवानी सिंह मीणा, अवर सचिव

New Delhi, the 30th April, 1984

S.O. 1681.—In exercise of the powers conferred by section 7 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972) read with sub-rule (1) of rule 3 of the Limestone and Dolomite Mines Labour Welfare Fund Rules, 1973, the Central Government hereby makes the following amendments in the constitution of State Advisory Committee on Limestone and Dolomite Mines Labour Welfare Fund for the State of Andhra Pradesh vide notification number S.O. 2768 dated the 13th June, 1983, of the Government of India in the Ministry of Labour published at pages 2695-96 of the Gazette of India, Part-II Section 3, sub-section (ii) dated 2nd July, 1983, namely :—

In the said notification, for the entry against serial number 7, the following shall be substituted namely :—

"7. Shri P. Jayavelu,

Jt. Sr. Manager (Quarry)
Cement Corporation of India Ltd.,
Yerraguntla, District: Cuddapah,
Andhra Pradesh-516309."

[No. U-23018/12/80-MV/WII]

B. S. MEENA, Under Secy.

नई बिल्डी, 25 अप्रैल, 1984

का० आ० 1682.—केन्द्रीय मरकार, कर्मचारी राज्य बोर्ड अधिनियम, 1948 (1948 का 34) को (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा-91क के नाथ पठित धारा 87 प्रबल गतियों का प्रयोग करते हुए और भारत मरकार के अमंत्रान्य को अधिमूलना सां० का० सं० 1298, तारीख 6 मार्च, 1982 के अनुक्रम में तेल और प्राकृतिक गैस आयोग से संबंधित भू-भौतिकीय तथा अनुसंधान और प्रशिक्षण संस्थान कर्मसाला (जो अब आई पी ई कर्मसाला के नाम से जाता है), देहरादून को उक्त अधिनियम के प्रवर्तन से 1 जूलाई, 1982 से 30 जून, 1983 तक की अवधि के लिए जिसमें यह तारीख भी सम्मिलित है छूट देनी है।

2. उपरोक्त छूट निम्नलिखित छठों के अधीन है, अर्थात् :—

- (1) उक्त कारखाने का नियोजक उम अवधि की बाबत जिसके द्वारा उम कारखाने पर उक्त अधिनियम प्रवृत्त था) जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियाँ ऐसे प्र॒रूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बोर्ड (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी पी ,
- (2) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या इस नियम प्राप्तिकृत नियम का कोई अन्य पदधारी—
 - (i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को मन्यापित करने के प्रयोजनों के लिए; या
 - (ii) यह अभिनियित करने के प्रयोजनों के लिए कि कर्मचारी राज्य बोर्ड (साधारण) विनियम, 1950 द्वारा अधिकारी रजिस्टर और अधिकारी उक्त अवधि के लिए रखे गए थे या नहीं; या
 - (iii) यह अभिनियित करने के प्रयोजनों के लिए कि कर्मचारी नियोजक द्वारा दी गई उन प्रमुखियाओं को, जो ऐसी प्रसुविद्याएँ हैं जिनके प्रतिफलस्वरूप इस अधिगृहना के अधीन छूट दी जा रही है, नकद और वस्तु रूप में पाने का हक्कादार बना हुआ है या नहीं; या
 - (iv) यह अभिनियित करने के प्रयोजनों के लिए कि उम अवधि के द्वारा, जब उक्त कारखाने के संबंध में उक्त अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं,
निम्नलिखित क.र्य करने के लिए साक्षात् होगा,—
 - (f) प्रधान नियोजक या अध्यवक्ता नियोजक द्वारा यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, प्रा
 - (g) ऐसे प्रधान नियोजक या अध्यवक्ता नियोजक के अधिभोग में के कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवृत्त करना और उसके भारताधिक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मज़बूरी के संदर्भ में संबंधित ऐसे लेखे बहिर्याँ और अन्य दस्तावेज़, ऐसे निरीक्षक या अन्य पदधारी के ममक प्रस्तुत करें और उनकी परीक्षा करने दे या यह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या
 - (h) प्रधान नियोजक या अध्यवक्ता नियोजक की, उसके अधिकारी या सेवक की या ऐसे किसी अप्कित की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी

व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विष्यास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(अ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, सेक्वेन्चरी या अन्य वस्तावेज की नकल करता या उससे उद्घरण लेना ।

[सं० एस० 38014/31/81-एच० अ०८०]

धृष्टिकरण झापन

इस भाग में छूट के आवेदन के सम्बन्ध में कार्रवाई करने में कुछ समय लग गया था, इसलिए छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया है। यह प्रभागित किया जाता है कि छूट को भूतलक्षी प्रभाव देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 25th April, 1984

S.O. 1682.—In exercise of the powers conferred by section 87 read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948) (hereinafter referred to as the said Act) and in continuation of the notification of the Government of India in the Ministry of Labour S.O. 1298 dated the 6th March, 1982, the Central Government hereby exempts the Geophysical and Research and Training Institute Workshop (now known as IPE Workshop), Dehradun, belonging to the Oil and Natural Gas Commission from the operation of the said Act for the period from 1st July, 1982 upto and inclusive of the 30th June, 1983.

2. The above exemption is subject to the following conditions, namely :—

- (1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf shall, for the purposes of—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the said Act has been complied with during the period when such provisions were in force in relation to the said factory;
- be empowered to —
 - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment

of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/39/80-HI]

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

नं६ दिल्ली, 28 अप्रैल, 1984

का० आ० 1683.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स के० पू० सोडालामुथु ए४३ कम्पनी १५/१४, मेट्टुपालायम रोड, कोयम्बटूर-६४१०४३, तमिलनदू। नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की व्युत्सवारा इस बात पर महसूत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को नामू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा १ की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० ए०-३५०१९/(८५)/८४/पी० एफ०-२]

New Delhi, the 28th April, 1984

S.O. 1683.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs K.U. Soda-lamuthu & Co., 15/94, Mettupalayam Road, Coimbatore-641043, Tamil Nadu have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(85)/84/PF.II]

का० आ० 1684.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सत्य नारायण ट्रैडर्स ५३/१ ई चौल पैटी रोड, कलकत्ता-१० नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की व्युत्सवारा इस बात पर महसूत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को नामू किए जाने चाहिए।

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा १ की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० ए०-३५०१९/(८३)/८४/पी० एफ०-२]

S.O. 1684.—Whereas it appears to the Central Government that the employer and the majority of the employees

in relation of the establishment known as Messrs Sameer Pottenes Plot No. 89, Sector 25, Ballabgarh-121004 Haryana have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(83)/84-PF.II]

का० आ० 1685.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स अजन्ता डाई एंड कैमिकल्स, प्लाट न० १७ एन० आई० टी० फरीदाबाद, फरियाणा नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की व्युत्सवारा इस बात पर महसूत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा १ की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० ए०-३५०१९/(८२)/८४/पी० ए० एफ०-२]

S.O. 1685.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Ajanta Dyes and Chemicals, Plot No. 17, N.I.T. Faridabad, Haryana have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(82)/84-PF.II]

का० आ० 1686.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सत्य नारायण ट्रैडर्स ५३/१ ई चौल पैटी रोड, कलकत्ता-१० नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की व्युत्सवारा इस बात पर महसूत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा १ की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० ए०-३५०१७/(२६)/८४/पी० एफ०-२]

S.O. 1686.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Satya Narayan Traders, ५३/१-D Chaul Party Road, Calcutta-700010 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(26)/84-PF.II]

का० धा० 1687.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ए० के० जी० मणीन हन्ड्स्ट्रीज प्राइवेट लिंग (फूड प्रो० कट्स डीविजन 168-बी० बी० चटर्जी. रोड, कलकत्ता-42 और है० साफिस 4/2 मिड्ल-टनरो, कलकत्ता-71 में स्थित नामक स्थापन के सम्बद्ध नियोजक आंग और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35017(25)/84/पी० एफ०-2]

S.O. 1687.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs A.K.G. Machine Industries Pvt. Ltd. (Food Products Division) 168, B.B. Chatterjee Road, Calcutta-42 including its Head Office at 4/2, Middleton Row, Calcutta-71 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(25)/84-PF-II]

का० धा० 1688.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स तिरुपुर टेस्टाइल्स प्राइवेट लिमिटेड, प्रो० प्र० सिंग डिविजन कुरुपानाइकन पालायम डाकघर, मेट्टुर रोड, भवानी-638302, तमिलनाडू, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(89)/84/पी० एफ०-2]

S.O. 1688.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Tirupur Textiles (P) Limited, Processing Division, Kuruppanaicken Palayam Post Office, Mettur, Road, Bhavani-638302, Tamil Nadu have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(89)/84/PF-II]

का० धा० 1689.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स अमानत को-प्राप्तरेटिव बैंक लिमिटेड मिल्नीआ विल्सन्स, नगरमिहा-राजा रोड, बंगलौर-560002 कर्नाटक नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(88)/84/पी० एफ०-2]

S.O. 1689.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Amanath Cooperative Bank Limited, Millia Buildings, Narasimharaja Road, Bangalore-560002, Karnataka have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(88)/84-PF-II]

का० १० 1690.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पोद्दार इंडस्ट्रीज ई० ४, है०ड्स्ट्रीयल प्लॉट, कोटा-324007, राजस्थान नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि प्रारंभ कर्तव्य उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(86)/84/पी० एफ०-2]

ए० के० भट्टा० राय,

बृंदा० सचिव

S.O. 1690.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Poddar industries, E-4 Industrial Estate, Kota-324007, Rajasthan have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(86)/84-PF-II]

A. K. BHATTARAI, Under Secy.

शुद्धि-पत्र

मई दिन्ही, 4 अप्रैल 1984

का० आ० 1691.—प्रति विभाग के आदेश मंज्ञा ए० 41011 (27) / 83 डी०-२ (बी०) विनांक 20 फरवरी, 1984 के फ्रॅक्ट 38 के बाद अनुबन्ध में निम्नलिखित जोड़ दिया जायें:-

39. श्री राजमणिराम वीरपुरुष

[सं० एस- 41011 / 27 / ८३-२ (बी०)]

टी० बी० सीतारमन, अवर सचिव

New Delhi, the 4th April, 1984

CORRIGENDUM

S.O. 1691.—In the Order No. L-41011(27)/83-D.II(3) dated the 20th February, 1984 of the Department of Labour, in Annexure, after serial No. 38, the following may be added.

39. Shri Rajmanikam Viramutto.

[No. L-41011(27)/83-D.II(B)]

T. B. SITARAMAN, Under Secy.

New Delhi, the 7th May, 1984

S.O. 1692.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Religara Colliery of M/s. CCL, P.O. Religara Distt. Hazaribagh and their workmen which was received by the Central Government on the 1st May, 1984.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD**

Reference No. 61 of 1981

In the matter of an industrial dispute under S.10(1)(d)
of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Religara Colliery of CCL P.O. Religara, Distt : Hazaribagh and their workmen.

APPEARANCES :

On behalf of the employers—Shri R. S. Murthy, Advocate.

On behalf of the workmen—None.

STATE : Bihar INDUSTRY : Coal

Dhanbad, the 25th April, 1984

AWARD

The Government of India in the Ministry of Labour, in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-24012(3)/81-DIV(B) dated the 22nd August, 1981.

SCHEDULE

"Whether the action of the management of Religara Colliery of Central Coalfields Limited in stopping Shri Biswanath Munda son of Shri Jai Govind Munda from work from 9-9-80 is justified, if not, to what relief he is entitled ?

The case of the management is that in 1975 a voluntary retirement scheme had been framed in the CCL. Under the said scheme a workman between the age of 45—58 years, if he/she so liked could retire voluntarily on the condition that he/she was an unskilled piece rated worker. Such worker was given liberty to nominate his son and in case there was no son, the son-in-law, and if there was no son-in-law, son of his real brother, for employment subject to the condition that such incumbent would have completed 18 years of age and was not more than 25 years old. It was also stipulated that the candidates appointed were to work as piece rated worker in the under ground section. In order to avail the benefit of this scheme some formalities were to be performed such as filling up necessary forms, verification of the relationship to the dependants of the retiring employee by the management etc.

One Smt. Basmatia Kamin aged about 50 years belonging to village Adra, P. S. Burmo, Dt. Ranchi who was employed as piece rated loader at Religara Colliery in terms of the said scheme applied for voluntary retirement nominating her son Shri Biswanath Munda. On the basis of the said application the case of Biswanath Munda was processed and Smt. Basmatia Kamin was allowed to retire voluntarily and her son V swanath Munda was appointed as a piece rated worker in her place w.e.f. 21-1-1977. Due to exigencies Biswanath Munda along with 17 other piece rated workers of Religara Colliery were transferred to Gidi A Colliery which is a neighbouring colliery and they continued to work till June, 1979 at Gidi-A Colliery. However, on the representation they were again ordered to be transferred to Religara Colliery w.e.f. 19-6-1979. On 9-9-80 Biswanath Munda of Village Adra, P. S. Burmo, Dist. Ranchi sent an application that he had been working on the voluntary retirement of his mother Smt. Basmatia Kamin but another person whose real name is Ram Jatan Sao, alias Jatla son of Shri Aklu Sao, Village Hesalong, P.O. Chumba, Dt. Hazaribagh taking advantage of his illness was working in his place when Biswanath Munda had fallen ill and had gone for treatment. An enquiry was conducted on getting the representation of Biswanath Munda and pending enquiry the alleged imposter who was representing himself as Biswanath Munda was stopped from work till the investigation was complete. An

enquiry committee was constituted by the management to examine this matter. The enquiry committee after examining the concerned persons, documents and the L11s in the appointment order and in the Form B Register and getting the matter verified by the concerned Gram Panchayat and Police was satisfied that the complaint of Sri Viswanath Munda of Village Adra was true and the person who was working at Religara Colliery on transfer from Gidi-A was Ram Jatan Sao alias Jatla son of Shri Aklu Sao of village Hesalong, Dt. Hazaribagh. A confusion was created by the imposter by winning over Smt. Basmatia Kamin and obtaining an affidavit from her testifying that he was the real Viswanath Munda but subsequently Smt. Basmatia Kamin lodged a complaint that Ram Jatla Sao alias Jatla had forcibly taken her L11 on some papers and forced her to swear an affidavit to testify that Ram Jatan Sao alias Son of Aklu Sao was her real son and was real Viswanath Munda. Shri Viswanath Munda son of Shri Sankar Munda had been nominated by Smt. Basmatia Kamin and he had worked in Religara Colliery in place of his mother. The said Viswanath Munda absented from work due to his prolonged illness. The management had no notice of the illness of Viswanath Munda and in the meantime an imposter representing himself as Viswanath Munda started working at Gidi-A Colliery. When it was established that the complaint was the real Viswanath Munda he was allowed to join his duties Religara Colliery w.e.f. 22-11-80. Shri Ram Jatan Sao alias Jatla son of Aklu Sao of vill. Hesalong, Dt. Hazaribagh aided and abetted by the local union perpetuated a great fraud upon the management. Viswanath Munda was an ad.basi whereas Aklu Sao was a Bania and Viswanath cannot be a Munda. It would appear that the person who was appointed by the management in place of Smt. Basmatia Kamin was Viswanath Munda son of Sankar Munda. The union seems to think that Viswanath Munda is the son of Jai Govind Munda which is obviously an untrue statement. The concerned workman in reference has no case and action of the management is not only justified, but in fact if the management would not have taken the action after due enquiry, it would have itself been guilty of helping an imposter.

The dispute is purported to have been raised by the Organising Secretary of RCMS, Religara Branch, P. O. Religara, Distt. Hazaribagh. The Organising Secretary of the branch union has no locus standi to raise any industrial dispute. He may take up with the management some local problems but an industrial dispute can only be raised by the union which is the RCMS having its headquarters at Dhanbad which has itself a set of office bearers and it excludes any organising secretary of a branch union. It is submitted on behalf of the management that the reference is to be struck down only on this ground.

The case of the concerned workman is that the management of Religara Colliery of Messrs. CCL employed Shri Biswanath Munda as a piece rated loader w.e.f. 21-1-1977. He was given training in the management's vocational training centre in accordance with the mines vocational training rules, 1966 at Religara vocational training centre. The management before employing him on duty obtained all relevant informations and after having satisfied with the bonafide of the workman, he was allowed to join duties. He was transferred by the management from Religara Colliery to Gidi-A Colliery in the same capacity of loader w.e.f. 17-12-77 after he had worked for sometime in Religara Colliery. He joined duty at Gidi-A colliery and worked there upto 19-6-1979 and thereafter he was transferred back to Religara colliery where he continued in his lawful employment up to 12-9-1980. All on a sudden the management of Religara Colliery stopped the duty of the workman w.e.f. 13-9-1980 without any previous notice. He represented before the Colliery Manager who directed him to see one Mr. Poddar an Officer of the colliery. He met Mr. Poddar on 13-9-80 and learnt that someone had made complaint against him that he (concerned workman) was an imposter and that the matter was being investigated. The management did not supply any allegations against him and proved his bonafide through affidavit and photographs but the management did not give work to the concerned workman. Having failed to seek justice the RCMS took up the case of concerned workman and made a representation before the Religara Colliery management vide letter dated 18-11-1980. Thereafter the union of the workmen represented the case before the ALC (C) Hazaribagh who took up the matter and held conciliation proceeding which ended in failure. Thereafter this reference had been made. The action of the management on the very face of it is illegal, arbitrary, motivated as well as an act of unfair labour practice and as

such the concerned workman is entitled to be reinstated in his job of loader at Religara Colliery with full back wages as if he was never stopped from duties with all other consequential benefits of a permanent workman of the Colliery.

On the facts of the case, the point for determination is whether the concerned workman is the real Viswanath Munda who had been appointed by the management in place of Smt. Basmatia Kamin on her voluntary retirement.

The real question is whether the concerned workman is an imposter and had taken the advantage of the absence of real Viswanath Munda during the time of his illness to represent himself as real Viswanath Munda and thus started working by false representation.

The case of the management is that in 1975 a voluntary retirement scheme had been framed and under that scheme Smt. Basmatia Kamin who was employed as piece rated loader at Religara Colliery applied for voluntary retirement nominating her son Shri Viswanath Munda and that her application was allowed and Viswanath Munda son of Shri Sanker Munda was appointed in her place w.e.f. 21-11-77. Ext. M-7 is the voluntary retirement scheme for employees of M/s. CCL. It is, therefore, of importance to examine as to who was the person and who was actually appointed in place of Smt. Basmatia Kamin. Ext. M-1 is the application of Smt. Basmatia Kamin dated 2-1-74 which shows that she had sponsored her son Shri Viswanath Munda for appointment in her place. It will further appear that Viswanath Munda had been examined by the Medical Officer of Religara Colliery on 5-1-77 and the Doctor found one scar mark on his left leg which was noted as the mark of identification of the candidate. It will thus be clear from Ext. M-1 that Smt. Basmatia Kamin had nominated her son Shri Viswanath Munda to work in her place after her voluntary retirement. Ext. M-5 is the Office Order dated 21-7-77 which shows that Shri Viswanath Munda was appointed in place of Smt. Basmatia Kamin after her prayer of voluntary retirement was accepted by the management. This Office order contains the name of two other candidates who were also appointed by the said Office order in place of voluntary retirement of two other ladies who were working as piece rated. This Ext. M-5 contains the LTI of Viswanath Munda and it was also verified. Ext. M-4 is the relevant entry in Sl. No. 707 of Form B register of Religara Colliery of CCL in respect of Viswanath Munda. It will appear from the said Ext. M-4 that Viswanath Munda son of Sanker Munda of village Adra, P. S. Burmo Dist. Ranchi was appointed on 21-1-77. Although the case of the concerned workman is that he was also appointed on 21-1-77, there is no entry of his name in Form B Register of Religara Colliery describing Viswanath Munda son of Jai Govind Munda. It is clear, therefore, that Viswanath Munda son of Jai Govind Munda had not been appointed by M/s. CCL and that it was Viswanath Munda son of Sanker Munda of village Adra, Distt. Ranchi who was appointed by the management on 21-1-77. In this connection there is another document which is also of great importance. Ext. M-10 is a true copy of Form A of C. M. P. F. in respect of Shri Viswanath Munda. This form is filled up by a person applying for being a member of C. M. P. F. It shows that Viswanath Munda son of Sanker Munda of village Adra, P. S. Burmo, Dist. Ranchi had applied for being a member of C. M. P. F. It will also show that the person who had applied for being a member of C. M. P. F. had one scar mark on the left leg which was noted in the Form as mark of identification. It will also show that the said Viswanath Munda had nominated his wife Kari. It will be clear from this Ext. that Viswanath Munda son of Sankar Munda, village Adra, District Ranchi was the person who was appointed by the management and he had applied for being a member of C. M. P. F. From the above documents viz. Ext. M-1, M-4, M-5 and M-10 it will appear that Viswanath Munda son of Sanker Munda was appointed in place of Smt. Basmatia Kamin on her voluntary retirement.

The management has examined two witnesses in support of his case. MW-1's Viswanath Munda and MW-2 Jai Govind Munda, his uncle. MW-1 Viswanath Munda has stated that he is son of Sanker Munda and that his mother died when he was only aged about 6 to 7 months and thereafter his father Sanker Munda married Smt. Basmatia Kamin who was the cousin sister of his real mother. He has further stated that Smt. Basmatia Kamin was working in Pindra Colliery of CCL and that she applied for her voluntary retirement in 1976 and proved that Viswanath Munda be appointed in her place. MW-1 has proved the application filed by her mother which is Ext.

M-1 and has proved the endorsement of Shri Kamala Chand Upadhyay on the said application. He has further stated that he had gone along with Basmatia to Doctor Dutta, Medical Officer of Religara Colliery to examine him and the Doctor found a scar mark on his left leg which was still present on his left leg. He had also drawn my attention to the mark of his scar on his left leg at the time of his deposition on the dock. Thus it will be clear that MW-1 Viswanath Munda was the person who was examined by the Medical Officer and had made a note of identification mark of a scar on his left leg in the application Ext. M-1. He has stated that the application of his mother was accepted by the management and she was retired and in her place MW-1 Viswanath Munda was appointed as Wagon Loader. He also stated that he started working in Religara Colliery in January, 1977 where he worked till December, 1977 and thereafter he was transferred to Gidi-A Colliery of CCL, where he worked for about 8 to 9 months in the year 1978 and thereafter he fell ill and was admitted in Ranchi Medical College Hospital for treatment of T.B. and he was under treatment for about 2 years. He has stated that after recovery he reported for duty in the month of September 1980, but the time keeper Shri Srivastava told him that he was transferred to Religara Colliery and thereafter he went to Religara Colliery and met Attendance Clerk where on verification from the Register it transpired that Jatla son of Akloo Sao of village Hesao was working in his place and thereafter he filed a petition before the Superintendent of the Mines. The said application is Ext. M-3 bearing his LTI. He has stated that the management made an enquiry and thereafter he was appointed in the Religara Colliery as Wagon loader. He has stated that he had put his LTI in Form B Register Ext. M-4 at the time of his first appointment. He has stated that he is an adibasi Munda whereas Ram Jatan alias Jatla was Suri by caste. He has stated that he had filed up the form of CMFP after his appointment and had nominated his wife Kari-debi. He has also stated that he had not applied for his transfer to Gidi-A colliery from Religara Colliery as he had fallen ill while he was working at Gidi-A Colliery. He has denied that the application Ext. M-6 bears his LTI. He has stated that he is the real Viswanath Munda and the person who was working in his place was not Viswanath Munda and had impersonated him. The evidence of MW-1 is very much supported by the documents adduced on behalf of the management. Moreover, the identification of Viswanath Munda appears to have been sufficiently established in view of the fact that the scare mark on his left leg which is the mark of identification noted in Ext. M-1 and M-10.

MW-2 Jaigovind Munda was also working in Pinda Colliery of CCL in 1973 as Over burden remover. He has stated that he was transferred to Religara Colliery in 1976 where he worked for about 10 to 12 months and thereafter he was transferred to Gidi-A Colliery. He also stated that Smt. Basmatia Kamin worked with him in Pindra Colliery and she was also transferred to Religara Colliery along with him. He has stated that Sanker Munda was his elder brother and that Viswanath Munda who was present in the Court (and had deposed as MW-1) is the son of his brother Sanker Munda. He has stated that mother of Viswanath Munda died when he was a child. Subsequently Sanker Munda married Basmatia Kamin who was cousin sister of the mother of Viswanath Munda. He has stated that Basmatia Kamin applied for her voluntary retirement and prayed for the appointment of Viswanath Munda in her place and her prayer was allowed and she was voluntary retired and Viswanath Munda was appointed in her place as wagon loader in Religara Colliery. He stated that Viswanath Munda worked in Religara Colliery 10 to 11 months and thereafter was transferred along with him to Gidi-A Colliery where also he worked for about 10 to 11 months and thereafter Viswanath fell ill and was treated in Ranchi Medical College Hospital for two years. He has supported MW-1 that after recovery Viswanath Munda reported for duty at Gidi-A colliery but he learnt that Ramjatan Sao of village Hesalong was working in place of Viswanath Munda. He has stated that Viswanath Munda is an adibasi by caste and that subsequently Viswanath Munda was appointed and the person who was working in his place was removed from service. It will appear from the oral evidence of MW-1 and MW-2 that real Viswanath Munda who had been given the work after voluntary retirement of Smt. Basmatia was the son of Sanker Munda, Village Adra, District Ranchi and that the concerned workman who was working in the name of Viswanath Munda was an imposter and was real Ram Jatan Sao alias Jatla son of Akloo Sao on

village Hesalag, district Hazaribagh. There is absolutely no evidence to show that there was any Viswanath Munda son of Jaigovind Munda who had been appointed by the management and that the concerned workman had impersonated Viswanath Munda son of Shankar Munda of village Adra District Ranchi.

In view of the facts, evidence and circumstances discussed above, it will appear that the concerned workman had not been appointed by the management and that the person who had been appointed by the management was Viswanath Munda son of Sankar Munda village Adra District Ranchi and that the concerned workman had falsely represented himself as Viswanath Munda taking the advantage of the absence of Viswanath Munda while he was ill and that when the real fact came to light the imposter was removed and the real person namely Viswanath Munda son of Sankar Munda was given the job.

As the concerned workman had not been appointed by the management, he cannot be said to be the workman and he being an imposter could be removed from service without any proceedings under the Standing Orders of the Company.

In view of the above I hold that the action of the management of Religara Colliery of CCI in stopping the concerned workman from work from 9-9-80 is justified and he is not entitled to any relief.

This is my Award.

I. N. SINHA, Presiding Officer.
[No. L-24012/5/81-D.IV(B)]

S.O. 1693.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government's Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of Eastern Coalfields Ltd., Sanctoria, P.O. Dishergarh Dist. Burdwan (WB) and their workmen, which was received by the Central Government on the 1st May, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 84/82

PARTIES :

Employers in relation to the management of Eastern Coalfields Ltd., Sanctoria, P.O. Dishergarh (Burdwan).

AND

Their workmen.

APPEARANCES :

For the Employers—Shri B. N. Lala, Advocate.

For the Workman—Shri J. D. Lal, Advocate

INDUSTRY : Coal

STATE : West Bengal

AWARD

Dated, the 26th April, 1984

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal under Order No. L-19012(74)/82-D.IV(B) dated the 18th August, 1982 for adjudication.

SCHEDULE

"Whether the action of the Chairman-cum-Managing Director, Eastern Coalfields Ltd., Sanctoria, P.O. Dishergarh, Dist. Burdwan in :—

- (i) Keeping Shri Rajkumar Paswan, Peon under suspension for more than 10 days w.e.f. 9-9-81 without any abnormal circumstances is justified ?
- (ii) not taking into account HRA & 10% quarterly bonus as wages during suspension period is justified?

If not, to what relief the workman concerned is entitled?"

2. During the course of hearing it was agreed by the parties that the question of justification of suspension of the concerned workman as mentioned in sub-para (i) of the schedule of Reference is not pressed before this Tribunal and hence no award is to be passed on that issue. Sub-para (ii) of the schedule however refers to the question of House Rent Allowance and 10 per cent quarterly bonus and according to the workman these two amounts should be included in the term of wages. The learned Advocate for the management submitted that the concerned workman has already been paid House Rent Allowance for the suspension period and if not already paid it will be paid by the management. On 28-3-84 it was agreed by both the parties that this Tribunal should only decide as to whether 10 per cent quarterly bonus is payable to the concerned workman for the period of suspension or not and an award be passed on the question of quarterly bonus only.

3. In the circumstances the only question to be determined is as to whether the concerned workman is entitled to 10 per cent quarterly bonus during the period of suspension or not.

4. It is admitted that the management has got a Certified Standing Order which governs the service conditions of the employer in question. The Standing Order has been filed in this case and has been marked Ext. M-1. Para 17 of the Standing Order which is relied upon by both the parties is to the effect that during suspension period a workman shall be paid a subsistence allowance equal to half of his wages as defined in the Payment of Wages Act, 1936 for the period of suspension upto 30 days and thereafter at the rate of three fourth of his wages.

5. As per this standing order the amount has already been paid to the concerned workman and the question to be determined is as to whether 10 per cent quarterly bonus is to be calculated in the word 'wages' or not. The Standing Order clearly indicates that wages in this respect is to be deemed as wages as defined in the Payment of Wages Act, 1936.

6. The terms 'wages' has been defined U/S (vi) of the Payment of Wages Act which means all remuneration including—

- (c) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name); but does not include—
- (i) any bonus (whether under a scheme of profit sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a Court.

7. It is not disputed that 10 per cent bonus is payable under the Coal Mines Bonus Scheme. Section 7 of this Scheme has prescribed the amount of bonus to be paid and sub-section (2) clearly provides that 10 per cent of the basic earnings is to be paid as bonus for work done in that quarter, in the coal mines and it includes wages paid to an employee for paid holidays and leave with wages in such period or quarter.

8. It is apparent that during suspension period the concerned workman was not on leave with pay. Further, it is well settled that during the suspension period the relationship of employer and employee ceases temporarily and therefore under the Coal Mines Bonus Scheme for the suspension period a workman is not entitled to any bonus.

9. It will also appear that S. 2. Clause vi(1) clearly says that wages do not include any bonus whether under a scheme of profit sharing or otherwise. The payment of bonus under the Coal Mines Bonus Scheme certainly comes under the words 'or otherwise'.

10. The management has also examined MW-1 Deputy Personnel Manager who has stated that during suspension period a workman is not to attend the colliery or office and that in the coal industry bonus was never taken into account for calculation of subsistence allowance anywhere. The Act also clearly shows that 10 per cent bonus under the Bonus Scheme is paid on basic wages earned while on duty or on leave with pay. The concerned workman was neither on duty nor on leave with pay during the suspension period.

11. In such circumstances 10 per cent quarterly bonus as claimed by the concerned workman is not payable to him for the suspension period. He will, however, get House Rent Allowance and other amount as per Clause 17 of the Standing Orders which according to management has already been paid to him. But if not paid the management is to pay the same accordingly.

12. This is my award.

J. N. SINGH, Presiding Officer
[No. L-19012(74)/82-D.IV(B)]
S. S. MEHTA, Desk Officer

New Delhi, the 10th May, 1984

S.O. 1694.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of Barmandia Colliery of M/s. E.C. Ltd., PO Kanyapur (Burdwan), and their workmen, which was received by the Central Government on 2-5-1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 54/82

PRESENT :

Shri J. N. Singh, Presiding Officer.

WITNESS

PARTIES :

Employers in relation to the management of Barmandia Colliery of Eastern Coalfields Ltd., P.O. Kanyapur (Burdwan).

AND

Their workman.

APPEARANCES :

For the Employers—Shri B. N. Lala, Advocate.

For the Workman—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 27th April, 1984

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the above dispute to this Tribunal for adjudication under Order No. L-19012(36)/82-D.IV(B) dated the 29th May, 1982.

SCHEDULE

"Whether the action of the Agent, Barmandia Colliery P.O. Kanyapur (Burdwan) of M/s. Eastern Coalfields Ltd., in superannuating Sri Jamuna Mishra, Ex-Security Guard from 1-7-1981 is justified? If not, to what relief the workman is entitled?"

2. On the last date fixed for hearing of this Reference Sri B. N. Lala, Advocate for the management was present but none for the union was present nor any step was taken. From the record it appears that Shri D. K. Verma, Advocate was representing the union all along but the concerned workman never appeared.

3. On 24-4-84 the date fixed for hearing Sri D. K. Verma, Advocate came to Court and informed the Secretary that he contacted the union but the union was reluctant and not showing any interest in the case and so no step was being taken and thereafter he left the Court without any pyarvi. Sri Iata, Advocate for the management also submitted that the concerned workman was not appearing and he is not interested in the case. It appears that the union or the concerned workman has now got no dispute with the management.

4. In the circumstances a 'no dispute' award is passed.

J. N. SINGH, Presiding Officer
[No. L-19012(36)/82-D.IV (B)]
A. V. S. SARMA, Desk Officer

